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# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT
JUL 29 2002
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PUBLIC LIBRARY

**Monday, January 7, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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***TOM AMMIANO, PRESIDENT***
***CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,***
***SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,***
***AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE***
***Gloria L. Young, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Audit, Labor and Government Efficiency Committee**<br>Supervisors Newsom, Daly, McGoldrick | 2nd & 4th Tuesday<br>1:00 PM |
| **City and School District Committee**<br>Supervisor Maxwell, Supervisor Ammiano, Commissioner Wynns, Commissioner Mar | Call of the Chair<br>3:00 PM |
| **Economic Vitality, Small Business and Social Policy Committee**<br>Supervisors Sandoval, Newsom, Gonzalez | 1st & 3rd Tuesday<br>10:00 AM |
| **Finance Committee**<br>Supervisors Leno, Peskin, Maxwell | Wednesday<br>12:30 PM |
| **Housing, Transportation and Land Use Committee**<br>Supervisors McGoldrick, Daly, Peskin | 2nd & 4th Thursday<br>10:00 AM |
| **Neighborhood Services and Parks Committee**<br>Supervisors Yee, Hall, Sandoval | 1st & 3rd Tuesday<br>1:00 PM |
| **Public Health and Environment Committee**<br>Supervisors Maxwell, Yee, Leno | 2nd & 4th Tuesday<br>10:00 AM |
| **Public Utilities and Deregulation Committee**<br>Supervisors Daly, Gonzalez, Ammiano | Call of the Chair |
| **Rules Committee**<br>Supervisors Gonzalez, Hall, Ammiano | 1st & 3rd Thursday<br>1:00 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 1

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Maxwell, McGoldrick, Yee - 3.*

*Quorum present.*

*Supervisor McGoldrick was noted present at 2:02 p.m.*

*Supervisor Maxwell was noted present at 2:03 p.m.*

*Supervisor Yee was noted present at 2:04 p.m.*

## APPROVAL OF MEETING MINUTES

*Motion to approve the January 7, 2002, Meeting Minutes.*

**Supervisor Peskin, seconded by Supervisor Sandoval, moved to approve the October 22, October 29, November 5 and November 13, 2001 Meeting Minutes. The motion carried by the following vote:**

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Leno, Newsom, Peskin, Sandoval
Absent: 3 - Maxwell, McGoldrick, Yee

## AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled or considered differently.*

*There were none.*

## COMMUNICATIONS

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# CONSENT AGENDA

## Items 1 through 10

## Recommendations of the Audit, Labor and Government Efficiency Committee

**011940** **[Settlement Of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Mirant Potrero L.L.C. on June 19, 2001 in United States District Court - Northern District of California, Case No. C-01-2356 PJH; entitled City and County of San Francisco, et al., v. Mirant Potrero L.L.C.; which settlement provides that Mirant will pay the City $100,000, and that Mirant will not operate the Peaker units located at the Potrero Power Plant, known as Units 4, 5, and 6, beyond their permitted operational hours of 877 hours per year, except as expressly permitted by or pursuant to the Bay Area Air Quality Management District Rule 9-9, Mirant's permits, and all other applicable laws, rules, regulations and order. (City Attorney)

**PASSED, ON FIRST READING**

**012034** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Peter Roybal against the City and County of San Francisco for $120,000, with Roybal agreeing to be barred from future City employment; the lawsuit was filed on February 9, 2000, in Superior Court, State of California, Case No. 309-821; entitled Roybal v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**012036** **[Gift Acceptance from Friends and Foundation of the San Francisco Public Library]**

Resolution authorizing the Public Library to accept and expend a gift in the amount of $12,000 from the Friends and Foundation of the San Francisco Public Library to purchase materials related to the gay, lesbian, transgender and bisexual community. (Public Library)

**Resolution No.** 7-02
**ADOPTED**

**012077** **[Settlement of Claim]**

Resolution approving the settlement of the unlitigated claim filed by Alma Taylor against San Francisco for $75,000; claim was filed on 01-31-2001; additional material terms of said settlement are the signing of full and final release and dismissal of the City and County of San Francisco. (City Attorney)

**Resolution No.** 8-02
**ADOPTED**

**012117** **[Extension of Agreement for Additional 18-Month Tolling of Statute of Limitations Governing Administrative Proceeding or Suit]**

Resolution approving the City Attorney's entry into an Extension of Tolling Agreement governing administrative proceeding or suit by the United States Environmental Protection Agency and the Casmalia Resources Site Steering Committee effective December 7, 2001. (City Attorney)

**Resolution No.** 3-02
**ADOPTED**

## Recommendation of the Housing, Transportation and Land Use Committee

**010787** **[Howard Street Bike Lane]**
**Supervisor Daly**

Resolution establishing a striped bicycle lane on Howard Street between 5th Street and 11th Street, excluding a 200-foot stretch east of 9th Street; authorizing the Department of Parking and Traffic to convert the part-time tow-away zone to full-time parking.

**Resolution No.** 5-02
**ADOPTED**

## Recommendations of the Rules Committee

**012086** **[Appointment]**
Resolution appointing Christine Smith, term ending June 1, 2002, to the Transgender Civil Rights Implementation Task Force, residency requirement waived.

Christine Smith (residency requirement waived), succeeding Shawna Virago, resigned, seat 10, must be a member of the transgender community, for the unexpired portion of a two year term ending June 1, 2002.

**Resolution No.** 9-02
**ADOPTED**

**012122** **[Appointment]**
Resolution appointing Brian Wetzel, term to be determined, to the Emergency Room Diversion Task Force.

Brian Wetzel, new position, seat 15, must represent labor, term to be determined.

**Resolution No.** 11-02
**ADOPTED**

**The foregoing items were acted upon by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

## Severed from Consent Agenda

**012140** **[Grant - Juvenile Accountability Block Program]**
**Mayor**

Resolution authorizing the Mayor's Criminal Justice Council to retroactively accept and expend a grant in the amount of $592,198 from the Office of Criminal Justice Planning (OCJP) for the purpose of implementing local juvenile justice accountability measures through the Juvenile Accountability Incentive Block Grant Program (JAIBG). (Mayor)

*Supervisor Sandoval requested this matter be severed so it could be considered separately.*

**RE-REFERRED to the Economic Vitality, Small Business and Social Policy Committee by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**000793** **[Appointment]**

Resolution appointing Kelly Jensen, term ending April 30, 2002, to the Animal Control & Welfare Commission.

Kelly Jensen, succeeding Sheila Martin, seat 7, must be licensed veterinarian, for the unexpired portion of a two-year term ending April 30, 2002.

*Supervisor Peskin requested this matter be severed so it could be considered separately.*

**Resolution No.** 4-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendations of the Public Health and Environment Committee

**010491** **[Expanding the authority of the Department of Animal Care and Control to issue dog licenses and enter into agreements with pet-related businesses and animal welfare organizations to issue dog licenses.]**
**Supervisors Leno, Maxwell, Peskin, Newsom**

Ordinance amending the San Francisco Health Code by amending sections 41, 41.2, 41.4, 41.5, 41.15, 41.19, 41.20 and 41.22 to: (1) expand the authority of the Department of Animal Care and Control to issue dog licenses; (2) authorize the Director of Animal Care and Control to enter into agreements with persons and entities, including but not limited to, veterinarians, retailers of pet supplies and pet services and animal welfare organizations, to accept applications for, and issue dog licenses; and (3) make miscellaneous technical corrections and delete references to obsolete code sections and terms; and amending the San Francisco Business and Tax Regulations Code by amending section 221.3 to specify that dog license fees collected by the Department of Animal Care and Control be delivered to the San Francisco Animal Control and Welfare Fund.

**Ordinance No.** 2-02

**FINALLY PASSED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**011796 [Transportation of Aggregate Materials]**
**Supervisors Maxwell, Leno, Daly, Newsom**

Ordinance amending the San Francisco Administrative Code by adding a new Chapter 12T to require City Departments and contractors operating vehicles carrying dirt and other aggregate material to cover the load to prevent the entrainment of particulate material into the air during the transportation of such materials within San Francisco.

**Ordinance No.** 3-02
**FINALLY PASSED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendation of the Rules Committee

**011909 [Municipal Election]**
**Supervisors Peskin, Daly**

Ordinance amending Municipal Code, Elections Code by adding Section 970 to prohibit the giving or receiving of anything of value in consideration of voting, refraining from voting, or voting for or against a candidate or measure at a municipal election.

**Ordinance No.** 4-02
**FINALLY PASSED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# NEW BUSINESS

## Recommendation of the Audit, Labor and Government Efficiency Committee

**011675 [Investigations and Grounds for Administrative Debarment]**
**Supervisor Peskin**

Ordinance amending Administrative Code Chapter 6 to clarify and update requirements for the solicitation of quotes under subsection 6.21(B); to clarify requirements for modifications to construction contracts under subsection 6.22(H); to add a nonabrogation clause to subsection 6.22(M); to correct the statutory references in section 6.40; to add a nonabrogation clause to subsection 6.42(E); to add a new section 6.8 severability clause; to add a new subsection 6.42(F), requiring that modifications for professional service contracts be in writing; to add an investigation requirement for violations of Chapter 6; and to extend the grounds upon which the City and County may determine a contractor to be nonresponsible to civil or criminal violations against any government entity relevant to the contractor's ability to comply with or perform under the terms and conditions of its contract with the City and County.

*1/7/02 - Supervisor Peskin presented an Amendment of the Whole bearing same title.*
**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.**

**PASSED ON FIRST READING AS AMENDED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Finance Committee

**012185** **[SFUSD not provide information regarding 2002 Bond funds]**
**Supervisors Ammiano, McGoldrick, Leno, Maxwell, Hall, Peskin, Newsom**

Ordinance amending the San Francisco Administrative Code by adding Section 10.19-4 to require specified City departments to notify the Board of Supervisors if the San Francisco Unified School District does not provide quarterly written reports to the City on the status of the use of the 2002 school bond proceeds, as required, and to require the School District to provide the City with a written timeline and expenditure plans for each of the projects to be funded with 2002 bond funds prior to the appropriation of the bond funds in order to determine whether the appropriations of these bond funds are necessary and/or appropriate.

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012180** **[Extending Cooperative Agreement between the Treasure Island Development Authority and the U.S. Navy]**

Resolution approving and authorizing the Treasure Island Development Authority to enter into the 14th modification to the Cooperative Agreement with the Navy to extend the Cooperative Agreement to September 30, 2002 for an additional amount of Navy reimbursement not to exceed $145,000, retroactive to October 1, 2001. (Mayor)

**Resolution No.** 1-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012190** **[2002 SFUSD General Obligation Bond Sale]**
**Supervisors Ammiano, Peskin, McGoldrick, Leno, Maxwell, Newsom**

Resolution authorizing and directing the sale of not to exceed $29,480,000 City and County of San Francisco General Obligation Bonds (Educational Facilities Bonds, 1997 - San Francisco Unified School District), Series 2002_; prescribing the form and terms of said Bonds; authorizing the execution, authentication and registration of said Bonds; providing for the appointment of depositories and other agents for said Bonds; providing for the establishment of accounts related thereto; approving the forms of Official Notice of Sale and Notice of Intention to Sell Bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form and execution of the official statement relating thereto; approving the form and execution of the Continuing Disclosure Certificate; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said Bonds.

**Resolution No.** 13-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Housing, Transportation and Land Use Committee

**001945 [Woodburning Fireplaces]**
**Supervisor Daly**

Ordinance amending Chapter 31, of the San Francisco Building Code by adding Section 3102.8 to ban the installation of nonapproved woodburning fireplaces and similar devices in new and remodeled buildings and by prohibiting the use of certain fuels in a woodburning appliance; exemptions are provided for woodburning appliances that are designed primarily for food preparation in new or existing restaurants or bakeries, and historic woodburning appliances installed in historic structures; adopting findings.

**PASSED ON FIRST READING by the following vote:**
Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, Peskin, Sandoval, Yee
Noes: 2 - Hall, Newsom
Absent: 1 - McGoldrick

**011638 [Industrial Protection Zone Special Use District Zoning Code Amendment]**
**Supervisors Ammiano, Maxwell, McGoldrick**

Ordinance amending the Planning Code by adding Section 249.22 to create Industrial Protection Zone Special Use District that prohibits residential, live/work and office uses and adopting findings pursuant to Section 101.1.

**Supervisor Leno, seconded by Supervisor Peskin, moved to excuse Supervisor Newsom from voting on this matter. The motion carried by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 1 - McGoldrick

**PASSED ON FIRST READING by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 1 - McGoldrick
Excused: 1 - Newsom

**011639 [Industrial Protection Zone Special Use District Zoning Map Amendment]**
**Supervisors Ammiano, Maxwell, McGoldrick**

Ordinance adopting changes in property use classification by amending the zoning maps of the City and County of San Francisco for Industrial (M-2, M-1 and CM) zones in the area bounded by Bayshore Boulevard, Third Street, Evans Avenue, Rankin Street, Phelps Street, Oakdale Avenue, Selby Street and Helena Street.

(Preliminary Negative Declaration dated June 22, 2001, Case No. 2001.0602ETZ; Planning Commission Resolution No. 16224 adopted September 6, 2001, recommending amendment of the Industrial Protection Zone - Special Use District; companion measure to File 011638.)

**Supervisor Leno, seconded by Supervisor Peskin, moved to excuse Supervisor Newsom from voting on this matter. The motion carried by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 1 - McGoldrick

**PASSED ON FIRST READING by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 1 - McGoldrick
Excused: 1 - Newsom

**012029** **[Changing Official Width of Sidewalk - Portions of Howard and Minna Streets]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1553 to change the official sidewalk width on portions of Howard and Minna Streets between 4th and 5th Streets; making findings pursuant to City Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 1 - McGoldrick

**012030** **[Changing Official Width of Sidewalk - California Street between Montgomery Street]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1554 to change the official sidewalk width on the north side of California Street between Montgomery Street and 137' westerly; making findings pursuant to City Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012080** **[Zoning Map Change]**

Ordinance amending the Zoning Map of the City and County of San Francisco for properties generally described as Assessor's Block 713, Lot 33, and Assessor's Block 720, Lots 35 and 36, located on the southwestern portion of the block bounded by O'Farrell (a.k.a. Starr King Way), and Franklin Streets, to change the Height and Bulk District Classification from 240-E and 80-B to 240-B Height and Bulk District and adopting findings pursuant to Planning Code Section 101.1. (Planning Department)

(Planning Commission Resolution No. 16233 adopted September 13, 2001, Case No. 2000.961Z; Final Negative Declaration adopted and issued on September 13, 2001.)
(Supervisor Daly dissenting in Committee.)

*1/7/02 - Supervisor Peskin presented an Amendment of the Whole bearing same title.*
**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.**

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 9 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 2 - Daly, Gonzalez

## Recommendations of the Rules Committee

**011797** **[Mandating Police Crisis Intervention Training and Semiannual Reporting.]**
**Supervisors Ammiano, Daly**

Resolution urging the Police Commission and the San Francisco Police Department (SFPD) to mandate a Police Crisis Intervention training for the San Francisco Police Department Officers, and requiring semiannual reporting, beginning in June of 2002, regarding the status and success of the training.

**Resolution No.** 6-02
**ADOPTED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Maxwell

**012087** **[Appointment]**
Resolution appointing Thomas Schulz, term ending January 1, 2004, to the Elections Commission.

Thomas Schulz, new position, seat 1, must be a representative of the general public, for a new five-year term ending January 1, 2004.

(Supervisor Gonzalez dissenting in Committee.)

**Resolution No.** 10-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## COMMITTEE REPORTS

### From Rules Committee

**012219** **[Declaration of November 6, 2001 Election Results]**
Resolution declaring the results of the November 6, 2001 Consolidated Municipal Election. (Elections Department)

**Resolution No.** 2-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## ROLL CALL FOR INTRODUCTIONS

# PUBLIC COMMENT

*Abdalla Megahed, homeless summit, March 7, 2002;*
*Jaclee Bryson, various topics;*
*Walter Brannon, Laguna Honda Hospital;*
*James Chaffee, San Francisco Public Library;*
*Frederick Hobson, homelessness;*
*Rul Graffis, economic crisis for cab drivers;*
*Rev. Amos Brown, homelessness;*
*Mark Selby, economic crisis for cab drivers;*
*Mort Weinstein, economic crisis for cab drivers;*
*Barry Korngold, economic crisis for cab drivers;*
*male speaker; various topics;*
*Floyd Brown, MUNI bus schedules not accurate;*
*Cynthia Analon, homelessness;*
*Peter Witt, economic crisis for cab drivers;*
*Edmund, SRO visitor rules;*
*Liz Bradley, economic crisis for cab drivers;*
*Michael Levin, Old Mint.*

# APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

**012215** **[Legislative Analyst Request]**
**Supervisor Yee**

Motion asking the Legislative Analyst to produce a report that identifies persons nominated and appointed to City Boards and Commissions. The report should include: (1) data on gender, age, ethnicity, and term of appointment; and (2) all persons whether current or past from January 1, 1999 to the present.

*1/7/02 - Supervisor Yee presented an Amendment of the Whole bearing new title.*
**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.**

Motion asking the Legislative Analyst to produce a report that identifies persons nominated and appointed to City Boards and Commissions. The report should include: (1) data on gender, age, ethnicity, district of residency and term of appointment; and (2) all persons whether current or past from January 1, 1999 to the present.

*1/7/02 - Supervisor Gonzalez, seconded by Supervisor Yee moved to amend. After "nominated" insert "and applications"; replace "Board of Supervisors" with "all appointing authorities"; replace "1999" with "2001"*
**AMENDED.**

Motion asking the Legislative Analyst to produce a report that identifies persons nominated and applications and appointed by all appointing authorities to City Boards and Commissions. The report should include data on gender, age, ethnicity, district of residency and term of appointment. The report should include all persons whether current or past from January 1, 2001, to the present.

**APPROVED AS AMENDED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

### Items 30 through 45

012243 **[Accuracy and Fairness Addition to California State History Framework]**
**Supervisors Yee, Daly**

Resolution urging the California State Department of Education to establish in the California State History Framework fair and accurate standards in the portrayal of the atrocities against the Chinese during the Sino-Japanese War.

**Resolution No.** 15-02
**ADOPTED**

012244 **[Commend - Native American Health Center]**
**Supervisors Leno, Daly, Peskin, Newsom**

Resolution commending the Native American Health Center and Friendship House Association of American Indians.

**Resolution No.** 16-02
**ADOPTED**

012246 **[Commendation]**
**Supervisors Sandoval, Newsom, Daly, McGoldrick**

Resolution commending the Filipino Bar Association of Northern California, the San Mateo Legal Aid Society and the City of Daly City for sponsoring a citizenship workshop to enable airport security screeners to maintain employment in their current positions once the Federal Aviation Security Bill is implemented.

**Resolution No.** 17-02
**ADOPTED**

**012247** **[Commendation]**
**Supervisors Sandoval, Newsom, McGoldrick**

Resolution commending the Airport Commission and the Regional Director of the Immigration and Naturalization Service for sponsoring citizenship workshops to enable airport security screeners to maintain employment in their current positions once the Federal Aviation Security Bill is implemented.

**Resolution No.** 18-02
**ADOPTED**

**012248** **[Commend - Raymond Zeng]**
**Supervisors Sandoval, Newsom**

Resolution commending Raymond Zeng for winning the "Using Water Wisely - It's A Way of Life" poster contest.

**Resolution No.** 19-02
**ADOPTED**

**012249** **[Commend - Nguyen Le]**
**Supervisors Sandoval, Newsom**

Resolution commending Nguyen Le for winning the "Using Water Wisely - It's A Way of Life" poster contest.

**Resolution No.** 20-02
**ADOPTED**

**012250** **[Commend - Joshua Duhon]**
**Supervisors Sandoval, Newsom**

Resolution commending Joshua Duhon for winning the "Using Water Wisely - It's A Way of Life" poster contest.

**Resolution No.** 21-02
**ADOPTED**

**012251** **[Commend - Robert Li]**
**Supervisors Sandoval, Newsom**

Resolution commending Robert Li for winning the "Using Water Wisely - It's A Way of Life" poster contest.

**Resolution No.** 22-02
**ADOPTED**

**012229** **[Board Off-site Meetings]**
**Supervisor Ammiano**

Motion ordering the City and School District Committee meeting of the Board of Supervisors to be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on January 16, 2002, at 3:00 P.M. and directing the Clerk of the Board to prepare the proper notices and postings.

**Motion No.** M02-01
**APPROVED**

**012233** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

**Motion No.** M02-2
**APPROVED**

**012257** **[Eminent Domain Public Hearing, 155 Fifth Street]**
**Supervisor Ammiano**

Motion directing the Board of Supervisors to hold a public hearing on January 14, 2002, at 3:00 p.m., to consider adopting a Resolution of Necessity in connection with a proposal to acquire by by eminent domain a temporary construction easement on easterly portions of 155 Fifth Street in Assessor's Block 3724, Lot 066, in San Francisco, for completing construction of the Moscone Center Expansion Project.

(Companion measure to Files 012238, 012258.)

**Motion No.** M02-3
**APPROVED**

**020006** **[Declaration of December 11, 2001 Election Results]**
Resolution declaring the results of the December 11, 2001 Municipal Run-off Election. (Elections Department)
**Resolution No.** 23-02
**ADOPTED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Severed from Adoption Without Committee Reference

**012240** **[Removal of Boy Scout Language]**
**Supervisors Leno, Gonzalez, Daly**

Resolution urging the United States Congress to remove language from the federal education bill regarding the Boy Scouts.

*Supervisor Gonzalez requested this matter be severed so it could be considered separately.*

*Supervisor Gonzalez requested to be added as a co-sponsor.*

**Resolution No.** 14-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012241 [Request for Exemption from State Statute-Shopping Carts]**
**Supervisor Newsom**

Resolution urging the California State Legislature to exempt the City and County of San Francisco from the requirements of Section 22435.7 of the Business and Professions Code, limiting the ability of local governments to establish requirements for recovery and retrieval of abandoned Shopping and Laundry Carts.

*Supervisor Gonzalez requested this matter be severed so it could be considered separately.*
**REFERRED to the Economic Vitality, Small Business and Social Policy Committee.**

**012242 [Closure of Select Decaux Automatic Pay Toilets]**
**Supervisor Newsom**

Resolution directing the San Francisco Police Department and the Department of Public Works to jointly develop a Pilot Program in which four Decaux Automatic Pay toilets sites shall close during the recommended hours of 11:00 PM to 6:00 AM in order to mitigate the illegal use of Decaux Automatic Pay Toilets for shelter and/or for illegal activity, including drug use, prostitution and acts of vandalism.

*Supervisor Newsom requested this matter be severed so it could be considered separately.*
**REFERRED to the Economic Vitality, Small Business and Social Policy Committee.**

**012245 [Commend - Senator Dianne Feinstein]**
**Supervisors Sandoval, Yee, Newsom, McGoldrick, Leno**

Resolution commending Senator Dianne Feinstein for introducing legislation to amend the Aviation Security Bill to allow lawful permanent residents who are eligible to become U.S. citizens within one year to remain in their current positions.

*Supervisor Gonzalez requested this matter be severed so it could be considered separately.*

*Continued to January 14, 2002.*
**CONTINUED.**

# IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor McGoldrick, seconded by Supervisor Leno, moved. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Peskin

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**[Brown Act Finding]**
**Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted. by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Peskin

## Imperative Agenda

**020015** **[Declaring Most Holy Redeemer Parish Day in San Francisco]**
**Supervisor Leno**

Resolution commending Most Holy Redeemer Roman Catholic Parish for one hundred years of service and declaring January 13, 2002 Most Holy Redeemer Parish Day in San Francisco.

**Resolution No.** 24-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Peskin

**020016** **[Proclaiming Healthy Kids Day in San Francisco]**
**Supervisors Leno, McGoldrick, Maxwell**

Resolution commending the start of enrollment in the new Healthy Kids Program offered through the San Francisco Health Plan, encouraging San Francisco families to obtain health coverage for their uninsured children regardless of immigration status, and proclaiming January 13, 2002 "Healthy Kids Day" in the City and County of San Francisco.

**Resolution No.** 25-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 1 - Peskin

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**020017 [Whistleblowers]**
**Supervisor Gonzalez**

Ordinance amending Sections 4.100, 4.105, 4.110 and 4.115 of the San Francisco Campaign and Governmental Conduct Code to: provide protection to whistleblowers who file a written complaint with the complainant's department regarding improper government activity by a City officer or employee; provide a list of the types of complaints of improper government activity; and clarify that protections for whistleblowers apply only when the whistleblower is subject to certain adverse employment actions.
1/7/02, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/6/2002.

**020018 [City-owned parking garages]**
**Supervisor Newsom**

Ordinance adding Section 20 to the San Francisco Police Code regulating permitted activities in City-owned parking garages.
1/7/02, ASSIGNED UNDER 30 DAY RULE to Neighborhood Services and Parks Committee, expires on 2/6/2002.

**020019 [Median Strips]**
**Supervisor Newsom**

Ordinance adding Section 79 to the San Francisco Traffic Code prohibiting loitering in median strips on City highways and thoroughfares.
1/7/02, ASSIGNED UNDER 30 DAY RULE to Housing, Transportation and Land Use Committee, expires on 2/6/2002.

**020020 [Bond Truth Act]**
**Supervisor Yee**

Ordinance amending Chapter 10 of the Administrative Code by adding Article IX thereto; requiring any ballot measure submitted to the voters to include certain information; requiring public access to financing proposals for capital projects; requiring the commitment of additional funds for projects financed in part with bond proceeds; limiting the transferability of bond authority for other projects; authorizing the expiration of bond authority; requiring the Controller to enforce this Article; and all other matters related thereto.
1/7/02, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/6/2002.

## Resolutions

**020015 [Declaring Most Holy Redeemer Parish Day in San Francisco]**
**Supervisor Leno**

Resolution commending Most Holy Redeemer Roman Catholic Parish for one hundred years of service and declaring January 13, 2002 Most Holy Redeemer Parish Day in San Francisco.
1/7/02, ADOPTED.

**020016** **[Proclaiming Healthy Kids Day in San Francisco]**
**Supervisors Leno, McGoldrick, Maxwell**

Resolution commending the start of enrollment in the new Healthy Kids Program offered through the San Francisco Health Plan, encouraging San Francisco families to obtain health coverage for their uninsured children regardless of immigration status, and proclaiming January 13, 2002 "Healthy Kids Day" in the City and County of San Francisco.
1/7/02, ADOPTED.

**020021** **[Upper Market Street Bike Improvements]**
**Supervisor Leno**

Resolution urging the Department of Parking and Traffic to implement bicycle access improvements on Market Street between Castro and Dolores Streets.
1/7/02, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**020022** **[Renaming Richmond Branch Library]**
**Supervisors McGoldrick, Leno, Newsom**

Resolution urging the Library Commission to consider renaming the Richmond Branch Library in honor of Senator Milton Marks in honor of his contribution to the City and County of San Francisco and in particular to his significant contribution to the health and welfare of the public library system of the City and State.
1/7/02, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

**020023** **[Extending Health care coverage]**
**Supervisor Yee**

Resolution seeking action to extend health care coverage in San Francisco City and County.
1/7/02, RECEIVED AND ASSIGNED to Public Health and Environment Committee.

**020024** **[SFUSD Compliance with the Sunshine Ordinance]**
**Supervisor Yee**

Resolution urging that the San Francisco Board of Education require the San Francisco Unified School District, its officers and employees, including the Board of Education members to abide by the provisions of the San Francisco Sunshine Ordinance, Chapter 67 of the San Francisco Administrative Code.
1/7/02, RECEIVED AND ASSIGNED to Rules Committee.

**020025** **[24 Hour Bicycle Access on Golden Gate Bridge]**
**Supervisors Leno, Ammiano, Hall, Gonzalez, Peskin**

Resolution urging Golden Gate Bridge, Highway and Transportation District to reinstate 24-hour access for bicycles on Golden Gate Bridge.
1/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020026** **[Enforcement of 1992 Energy Policy Act]**
**Supervisor Sandoval**

Resolution urging the United States Department of Energy to enforce the 1992 Energy Policy Act and to remove any loophole that would violate the goal of reducing gasoline consumption.

1/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020027** **[Commend - Planned Parenthood]**
**Supervisors Sandoval, Daly**

Resolution commending Planned Parenthood Golden Gate for organizing a ceremony designed to celebrate a woman's right to reproductive choice and for providing quality health care to Bay Area residents for over seventy years.

1/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020028** **[School of the Arts]**
**Supervisor Ammiano**

Hearing regarding the School of the Arts.

1/7/02, RECEIVED AND ASSIGNED to City and School District Committee.

**020029** **[AT&T/Comcast Merger]**
**Supervisor Daly**

Hearing to discuss the AT&T/Comcast merger and the prospect of renegotiating the City's cable franchise agreement.

1/7/02, RECEIVED AND ASSIGNED to Public Utilities and Deregulation Committee.

**020030** **[Management of City's Property]**
**Supervisor Daly**

Hearing to study the management of the City's property in light of the Controller's audit calling for a centralized approach.

1/7/02, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

**020031** **[Cable Television Franchise Agreement]**
**Supervisors McGoldrick, Daly**

Hearing to consider City's options regarding possible transfer of cable television franchise agreement. This hearing should also consider ways in which the City may improve upon the current franchise agreement in place, as well as the option of the City owning and operating the cable television system.

1/7/02, RECEIVED AND ASSIGNED to Public Utilities and Deregulation Committee.

020032 **[Draft Management Audit of Fire Department]**
**Supervisor McGoldrick**

Hearing on the release of the Budget Analyst's draft Management Audit of the San Francisco Fire Department to the President of the San Francisco Chief's Association and to a Firefighter/Paramedic at the City Attorney's direction. The release of the draft report by the Fire Department directly contradicts the procedures of the Board of Supervisors.
1/7/02, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

020033 **[Extension of Winter Shelter Beds]**
**Supervisor Newsom**

Hearing to investigate the permanent extension of winter beds in San Francisco. Specifically, the hearing will examine annualizing the Ella Hill Hutch shelter beds and the possibility of annualizing other winter shelters.
1/7/02, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

020040 **[School Based Health Programs]**
Hearing on School Based Health Programs. (City and School District Committee)
1/7/02, RECEIVED AND ASSIGNED to City and School District Committee.

020041 **[1997 Proposition A Bond Fund]**
Hearing on informational status update on 1997 Proposition A Bond Fund. (City and School District Committee)
1/7/02, RECEIVED AND ASSIGNED to City and School District Committee.

020042 **[Homeless Students and Families]**
Hearing on the support for homeless students and families, including those living in SRO's. (City and School District Committee)
1/7/02, RECEIVED AND ASSIGNED to City and School District Committee.

020043 **[Immigrant Students and Families]**
Hearing on the support for immigrant students and families. (City and School District Committee)
1/7/02, RECEIVED AND ASSIGNED to City and School District Committee.

## Motions

020034 **[Amending Rules of Order to Create New Committee Structure]**
**Supervisor Ammiano**

Motion amending Rules of Order of the Board of Supervisors of the City and County of San Francisco, by repealing 5.1 through 5.10 and replacing them with new Sections 5.1 through 5.9, thereby creating a new structure of the Board.
1/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020035** **[Suspending Rules of Order]**
**Supervisor Ammiano**

Motion suspending Rules regarding reference to Committee of amendment to the Rules of Order, Board of Supervisors, relating to Committee Structure.
1/7/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020036** **[Legislative Analyst Request]**
**Supervisor Daly**

Motion asking the Legislative Analyst to study the feasibility of municipal operation of the City's cable system, and to report on the plans of other jurisdictions in light of AT&T Comcast merger.
1/7/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration January 14, 2002.

**020037** **[Legislative Analyst Request]**
**Supervisor Gonzalez**

Motion asking the Legislative Analyst to prepare a report on frequency and schedule of full City Council meetings and committee meetings, number of members, and number of committees for City Councils in the 20 largest cities in California excluding San Francisco.
1/7/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration January 14, 2002.

**Introduced by the President at the Request of Departments**

## PROPOSED ORDINANCES

**020002** **[Changing the designation of 572 Folsom Street from a Category V Building to a Category III building]**
**Supervisor Peskin**

Ordinance changing the designation of 572 Folsom Street from Category V (Unrated) to Category III (Contributory) pursuant to Article 11 of the Planning Code. (Planning Department)
12/19/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**020004** **[Appointing Road Commissioner]**
**Supervisor Newsom**

Ordinance appointing Edwin M. Lee, Director of Public Works, Road Commissioner for the City and County of San Francisco, and repealing Ordinance 447-96. (Public Works Department)
12/24/01, SCHEDULED FOR PUBLIC HEARING. Scheduled for public hearing before Board January 28, 2002, at 3:00 p.m.

020007 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the attorneys' fees and costs in the matter of Fontanilla and County of San Francisco for $105,000. The lawsuit was filed on October 28, 1996, in United States District Court, Case No. C96-3916 JAS; entitled Fontanilla v. City and County of San Francisco, et al. (City Attorney)

1/2/02, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

## PROPOSED RESOLUTIONS

012230 **[Transfer of approval authority of the Substance Abuse & Crime Prevention Act county plan from the Board of Supervisors to the Department of Public Health]**

Resolution delegating approval authority of the Substance Abuse & Crime Prevention Act of 2000 county plan to the Department of Public Health, in accordance with §9515b(3), Title 9, California Code of Regulations. (Public Health Department)

12/13/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee.

012232 **[California Energy Commission Grant]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to accept and expend a grant from the California Energy Commission in the amount of $265,000 to support lighting and HVAC retrofits at City facilities and waiving inclusion of indirect costs in the grant budget. (Public Utilities Commission)

12/13/01, RECEIVED AND ASSIGNED to Finance Committee.

012259 **[Improving the system of care for seriously mentally ill residents of San Francisco, including services for those with a dual disorder of mental illness and substance abuse]**

**Supervisor McGoldrick**

Resolution authorizing the San Francisco Department of Public Health (SFDPH), Community Mental Health Services (CMHS), to accept and expend federal SAMHSA Mental Health Block Grant funds in the total amount of $3,198,952 from the State Department of Mental Health (SDMH) to improve the system of care for seriously emotionally disturbed children and severely mentally ill adults in San Francisco, including those with a diagnosis of a dual disorder of mental illness and substance abuse; for the period of July 1, 2001 to June 30, 2002. (Public Health Department)

12/18/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Department requests this item be scheduled for consideration at the January 8, 2002, meeting.

012260 **[Determining effectiveness of condom skills building demonstrations in reducing HIV/STD infections in study participants]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $315,828 for the first year of a three year grant from the Centers for Disease Control and Prevention (CDC) for HIV prevention intervention research on the efficacy of condom skills building and to enter into an agreement for the use of these funds; for the period of September 30, 2001 to September 29, 2002. (Public Health Department)

12/18/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Department requests this item be scheduled for consideration at the January 8, 2002, meeting.

**012261** **[Coordinating data collection, testing, counseling, referrals, and blood collection and transport at community sites for HIV and HCV prevention]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively one-time funds in the amount of $65,000 from the Centers for Disease Control and Prevention (CDC) supplemental to the CDC Prevention Cooperative Agreement U62/CCU902017-16-2 to reduce HIV and HCV risk behaviors of injection drug users and others at risk for hepatitis C and to enter into an agreement for the use of these funds; for the period of January 1, 2001 to December 31, 2001. (Public Health Department)

12/18/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Department requests this item be scheduled for consideration at the January 8, 2002, meeting.

**012262** **[Coordinated and comprehensive services for youth engaged in or at high risk of committing juvenile crime]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH), Community Mental Health Services (CMHS) to accept and expend retroactively funds in the amount of $353,022 for the first year of a three year grant from the California Department of Mental Health (CDMH) and the San Francisco Private Industry Council (SFPIC) to reduce youth violence and substance abuse in San Francisco; for the period of July 1, 2001 to June 30, 2002. (Public Health Department)

12/18/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Department requests this item be scheduled for consideration at the January 8, 2002, meeting.

**012263** **[Adopting the City's Telecommunications Plan]**
**Supervisor Daly**

Resolution adopting the Telecommunications Plan, as adopted and forwarded by the San Francisco Telecommunications Commission, as the City's Telecommunications Plan. (Telecommunications and Information Services)

12/17/01, RECEIVED AND ASSIGNED to Public Utilities and Deregulation Committee.

**012264** **[Agreement to Purchase Lots 25 & 26 in Assessor Block 6188]**
**Supervisor Peskin**

Resolution approving and authorizing an agreement for the purchase of real property located on Alberta Street in Visitacion Valley, to retain as public open space for a purchase price of $240,000; adopting findings that the conveyance is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

(Fiscal impact.)

12/19/01, RECEIVED AND ASSIGNED to Finance Committee.

012280 **[Agreement to Purchase Property Rights in Assessor Block 3767, Portion of Lot 4]**
Resolution approving and authorizing an agreement for the purchase of a permanent easement located at the southwest corner of Main and Bryant Streets for the Bay Bridge Pump Station for a purchase price of $650,000; adopting findings that the conveyance is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

(Fiscal impact.)
12/19/01, RECEIVED AND ASSIGNED to Finance Committee.

012281 **[Airport Concession Lease]**
Resolution approving a lease and operating agreement for operating the Self Service Luggage Cart Program, Between Smarte Carte, Inc., and the City and County of San Francisco, Acting by and through its Airport Commission. (Airport Commission)

(Fiscal impact.)
12/19/01, RECEIVED AND ASSIGNED to Finance Committee.

012282 **[2002 Water Revenue Bonds Issuance]**
Resolution approving the issuance of not to exceed $164,000,000 aggregate principal amount of San Francisco water revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)
12/19/01, RECEIVED AND ASSIGNED to Finance Committee.

012283 **[2002 Water Revenue Refunding Bonds Issuance]**
Resolution approving the issuance of not to exceed $100,000,000 aggregate principal amount of San Francisco water revenue refunding bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue refunding bonds are issued; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)
12/19/01, RECEIVED AND ASSIGNED to Finance Committee.

020001 **[Amendment to Paratransit Broker Agreement]**
**Supervisors Newsom, Peskin, Leno**

Resolution approving Amendment No. 2 to Paratransit Broker Agreement, to improve the ramped taxi program by leasing 24 ramped minivans to the Broker to be subleased to taxicab companies participating in the Paratransit Program, with guaranteed lease payments in the form of paratransit trips provided at no cost to the City; and to make other amendments updating the Agreement. (Public Transportation Commission)
12/21/01, RECEIVED AND ASSIGNED to Finance Committee.

**020003** **[Grant of up to $500,000 from the California Integrated Waste Management Board for clean-up of illegal dumping sites in San Francisco]**
**Supervisors McGoldrick, Peskin, Hall, Newsom**

Resolution authorizing the Director of Public Works to accept and expend a grant in the amount of $500,000 from the California Integrated Waste Management Board for clean-up of illegal dumping sites in San Francisco. (Public Works Department)

12/31/01, RECEIVED AND ASSIGNED to Public Health and Environment Committee.

**020005** **[Awarding the Management Agreement for the Golden Gateway Garage to Five Star Parking/Elite Parking, Joint Venture]**

Resolution approving the award of the Management Agreement for the Golden Gateway Garage to Five Star Parking/Elite Parking, Joint Venture. (Parking and Traffic Department)

12/31/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

## PROPOSED MOTIONS

**012274** **[Appointment - Public Utilities Commission]**

Motion approving the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, for the term ending January 15, 2005. (Mayor)

12/18/01, RECEIVED AND ASSIGNED to Rules Committee. With direction to report back to Board by January 14, 2002.

**012275** **[Appointment - Public Utilities Commission]**

Motion rejecting the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission. (Mayor)

12/18/01, RECEIVED AND ASSIGNED to Rules Committee. With direction to report back to Board by January 14, 2002.

**012276** **[Appointment - Public Utilities Commission]**

Motion taking no position concerning the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, for term ending January 15, 2005. (Mayor)

12/18/01, RECEIVED AND ASSIGNED to Rules Committee. With direction to report back to Board by January 14, 2002.

**012277** **[Appointment - Public Utilities Commission]**

Motion approving the Mayor's appointment of Jeffrey A. Chen to the Public Utilities Commission, for the term ending January 15, 2004. (Mayor)

12/18/01, RECEIVED AND ASSIGNED to Rules Committee. With direction to report back to Board by January 14, 2002.

**012278** **[Appointment - Public Utilities Commission]**

Motion rejecting the Mayor's appointment of Jeffrey A. Chen to the Public Utilities Commission. (Mayor)

1/18/01, RECEIVED AND ASSIGNED to Rules Committee. With direction to report back to Board by January 14, 2002.

**012279** **[Appointment - Public Utilities Commission]**

Motion taking no position concerning the Mayor's appointment of Jeffrey A. Chen to the Public Utilities Commission, for term ending January 15, 2004. (Mayor)

12/18/01, RECEIVED AND ASSIGNED to Rules Committee. With direction to report back to Board by January 14, 2002.

## Requests Granted

*From: Supervisor Ammiano*
*To: City Librarian, Public Library*
*Requesting/Inquiring: Requesting that the City Librarian consider naming a Branch Library after former State Senator Mr. Milton Marks.*

*From: Supervisor Daly*
*To: City Attorney*
*Requesting/Inquiring: To draft separate ordinances that would:*
*1. Provide for a gift ban for all elected officials.*
*2. Prohibit the use of public funds for the printing or mailing of greeting cards.*

*From: Supervisor Hall*
*To: Director, Department of Public Health*
*To: Director, Department of Human Services*
*To: Director, Mayor's Office of Community Development*
*To: Director, Mayor's Office of Housing*
*To: Director, Department on the Status of Women*
*To: Director, Department of Children, Youth and Their Families*
*To: Director, Redevelopment Agency*
*Requesting/Inquiring: That the Directors of the Department of Public Health, Human Services, Community Development, Mayor's Office of Housing, Department on the Status of Women, Department of Children, Youth and Their Families and the Redevelopment Agency report what funds are allocated to organizations (according to the "Survey of the Cost of Direct Services Provided to the Homeless Population") that provide direct services to the homeless population, with a copy of each organization's annual budget. Moreover, please determine what standards each organization employs when determining who receives the services offered.*

*From: Supervisor Hall*
*To: Presiding Judge, Superior Court*
*Requesting/Inquiring: Inquiring why San Francisco Superior Court is cutting back their services (by closing a half-hour earlier) while increasing the cost of their services?*

*From: Supervisor Hall*
*To: Executive Director, Association of Bay Area Governments (ABAG)*
*Requesting/Inquiring: To contact the proper representative for each California City and County affiliated with the Association of Bay Area Governments (ABAG) and ask them to provide the following information:*
*1. How much, per fiscal year, do you spend on direct homeless services?*
*2. Do you conduct a homeless count; and, if so, what are your most recent numbers?*
*3. How many shelter beds for homeless citizens do you have in your city/county?*

*From: Supervisors Leno, Maxwell*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation which would allow developers to be credited for affordable housing projects they build in advance of independent market rate projects.*

*From: Supervisor Newsom*
*To: Director, Department of Human Services*
*Requesting/Inquiring: To report on current contracts under the Housing and Homeless division, specifically by:*
*1. Type of services or service categories contracted.*
*2. Evaluation of the outcomes identified in each contract, including subcontracts.*
*3. Evaluation of any performance measurements of said contracts and subcontracts.*

*From: Supervisor Newsom*
*To: Director, Department of Human Services*
*To: Director, Mayor's Office on Homelessness*
*Requesting/Inquiring: Requesting a review of the contact for M.S.C. South operations. The review should present overall goals of the contract as well as the specific outcomes expected of the service provider.*

*From: Supervisor Sandoval*
*To: United States Bankruptcy Judge Dennis Montali*
*Requesting/Inquiring: Inquiring how Pacific, Gas and Electric Company could spend over $1,000,000 on the campaign to defeat Measure I in the November 2001 election after having filed for bankruptcy.*

*From: Supervisor Sandoval*
*To: Director, Planning Department*
*Requesting/Inquiring: To report on the progress of the San Francisco Outdoor Lighting Plan, for which the Department requested and received a $50,000 grant in the previous two fiscal years.*

*From: Supervisor Sandoval*
*To: General Manager, KNTV Channel 11*
*Requesting/Inquiring: To investigate and report on the location and number of households that have lost reception for NBC since the switch from KRON took place on January 1, 2002; and how KNTV intends to remedy the situation.*

*From: Supervisor Yee*
*To: City Attorney*
*Requesting/Inquiring: That the City Attorney sends a letter to the San Francisco Board of Education demanding under the Public Records Act all contracts, invoices, cancelled checks or other documentation that pertains to the expenditure or commitment to expend monies allocated under the 1997 Proposition A Bond be forwarded to the Clerk of the Board of Supervisors, the Office of the Budget Analyst and the Controller's Office. This request is a result of a lack of response promised by Mr. Tony Irons, Chief Operating Officer of the San Francisco Unified School District at the Finance Committee meeting on December 19, 2001. At that meeting Mr. Irons indicated that he would provide before Christmas the necessary invoices and other documentation explaining the reduction from $11 million to $9.4 million from the proposition A Bond. This request was also detailed in a letter to Mr. Tony Irons on December 20, 2001.*

*From: Supervisor Yee*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation that will require all surplus revenue generated by Hetch Hetchy operations, contracts, land leases, or other Hetch Hetchy revenue generators be dedicated to the future needs of the Hetch Hetchty system.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Alfred Wilsey (By the entire Board)*
*Alfred J. Nelder (By the entire Board)*
*Raymond Howell (Supervisor Peskin)*
*Rose Goldstein (Supervisor McGoldrick)*
*Eric V. Williams (Supervisor Ammiano)*
*Mr. Chi Ywai Hung (Supervisor Yee)*
*Pete Lapid (Supervisor Yee)*
*Gordon Chan (Supervisor Yee)*
*Bob Tibbits (Supervisor Peskin)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 5:18 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on February 11, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited*

Gloria L. Young
Clerk of the Board

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4/02

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT
JUL 29 2002
SAN FRANCISCO
PUBLIC LIBRARY

Monday, January 14, 2002 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

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*TOM AMMIANO, PRESIDENT*
*CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,*
*SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,*
*AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE*
*Gloria L. Young, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Audit, Labor and Government Efficiency Committee**<br>Supervisors Newsom, Daly, McGoldrick | 2nd & 4th Tuesday<br>1:00 PM |
| **City and School District Committee**<br>Supervisor Maxwell, Supervisor Ammiano, Commissioner Wynns, Commissioner Mar | Call of the Chair<br>3:00 PM |
| **Economic Vitality, Small Business and Social Policy Committee**<br>Supervisors Sandoval, Newsom, Gonzalez | 1st & 3rd Tuesday<br>10:00 AM |
| **Finance Committee**<br>Supervisors Leno, Peskin, Maxwell | Wednesday<br>12:30 PM |
| **Housing, Transportation and Land Use Committee**<br>Supervisors McGoldrick, Daly, Peskin | 2nd & 4th Thursday<br>10:00 AM |
| **Neighborhood Services and Parks Committee**<br>Supervisors Yee, Hall, Sandoval | 1st & 3rd Tuesday<br>1:00 PM |
| **Public Health and Environment Committee**<br>Supervisors Maxwell, Yee, Leno | 2nd & 4th Tuesday<br>10:00 AM |
| **Public Utilities and Deregulation Committee**<br>Supervisors Daly, Gonzalez, Ammiano | Call of the Chair |
| **Rules Committee**<br>Supervisors Gonzalez, Hall, Ammiano | 1st & 3rd Thursday<br>1:00 PM |

First-named Supervisor/Commissioner is Chair. Second-named Supervisor/Commissioner is Vice-Chair. of the Committee

Volume 97 Number 2

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

# ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Daly, Gonzalez, Maxwell, Newsom - 4.*

*Quorum present.*

*Supervisors Daly, Gonzalez and Newsom were noted present at 2:01 p.m.*

*Supervisor Maxwell was noted present at 2:05 p.m.*

# APPROVAL OF MEETING MINUTES

*Motion to approve the November 19, 2001, Meeting Minutes.*

**Supervisor Sandoval, seconded by Supervisor Leno, moved to approve the November 19, 2001 Meeting Minutes. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Maxwell

## Introduction of Guest

*Supervisor Peskin introduced and welcomed Captain Dillon, Taraval Station, Police Department.*

*President Ammiano introduced, welcomed and presented a commendation to Captain Roth, Mission Station, Police Department.*

# AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled or considered differently.*

*Supervisor Leno indicated the matters relating to the appeal of a Minor Sidewalk Encroachment Permit at 1259 Dolores Street, Files 020008, 020009 and 020010. (See infra.)*

# COMMUNICATIONS

# CONSENT AGENDA

## Items 1 through 11

## Recommendations of the Audit, Labor and Government Efficiency Committee

**011940** **[Settlement Of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Mirant Potrero L.L.C. on June 19, 2001 in United States District Court - Northern District of California, Case No. C-01-2356 PJH; entitled City and County of San Francisco, et al., v. Mirant Potrero L.L.C.; which settlement provides that Mirant will pay the City $100,000, and that Mirant will not operate the Peaker units located at the Potrero Power Plant, known as Units 4, 5, and 6, beyond their permitted operational hours of 877 hours per year, except as expressly permitted by or pursuant to the Bay Area Air Quality Management District Rule 9-9, Mirant's permits, and all other applicable laws, rules, regulations and order. (City Attorney)

**Ordinance No.** 8-02
**FINALLY PASSED**

**012034** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Peter Roybal against the City and County of San Francisco for $120,000, with Roybal agreeing to be barred from future City employment; the lawsuit was filed on February 9, 2000, in Superior Court, State of California, Case No. 309-821; entitled Roybal v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 11-02
**FINALLY PASSED**

## Recommendations of the Finance Committee

**012188** **[Grant - Department of Parking and Traffic]**
**Supervisor Leno**

Resolution authorizing the Executive Director of the Department of Parking and Traffic (DPT) to retroactively apply for, accept, and expend funds from a cooperative agreement with the Federal Highway Administration (FHWA) for a pedestrian safety engineering study (with federal funding of $155,735) and to execute any necessary documents.

**Resolution No.** 12-02
**ADOPTED**

**012221** **[Approval of Lease with the United States Department of Agriculture at West Field Cargo Building 1]**
Resolution approving and authorizing the execution of a Lease with the United States Department of Agriculture for space in West Field Cargo Building 1. (Airport Commission)

**Resolution No.** 29-02
**ADOPTED**

**012232** **[California Energy Commission Grant]**
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to accept and expend a grant from the California Energy Commission in the amount of $265,000 to support lighting and HVAC retrofits at City facilities and waiving inclusion of indirect costs in the grant budget. (Public Utilities Commission)

**Resolution No.** 34-02
**ADOPTED**

## Recommendations of the Public Health and Environment Committee

**012225** **[Grant - Seven Principles (REACH 2010) Project]**
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $900,000 for the first year of a three year grant from the Centers for Disease Control and Prevention (CDC) for the Seven Principles (REACH 2010) project and to enter into an agreement for the use of these funds; for the period of September 30, 2001 to September 29, 2002. (Public Health Department)

**Resolution No.** 31-02
**ADOPTED**

**012226** **[Supplemental Grant for projects funded under the CDC Seroepidemiology and Surveillance Cooperative Agreement]**
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively supplemental grant funds in the amount of $361,547 for projects funded under the Seroepidemiology and Surveillance Cooperative Agreement with the Centers for Disease Control and Prevention (CDC) to analyze and disseminate results of ongoing HIV studies and support new research relating to AIDS/HIV in San Francisco; for the period of January 1, 2001 through December 31, 2001. (Public Health Department)

**Resolution No.** 32-02
**ADOPTED**

**012259** **[Improving the system of care for seriously mentally ill residents of San Francisco, including services for those with a dual disorder of mental illness and substance abuse]**
**Supervisor McGoldrick**

Resolution authorizing the San Francisco Department of Public Health (SFDPH), Community Mental Health Services (CMHS), to accept retroactively and expend federal SAMHSA Mental Health Block Grant funds in the total amount of $3,198,952 from the State Department of Mental Health (SDMH) to improve the system of care for seriously emotionally disturbed children and severely mentally ill adults in San Francisco, including those with a diagnosis of a dual disorder of mental illness and substance abuse; for the period of July 1, 2001 to June 30, 2002. (Public Health Department)

**Resolution No.** 36-02
**ADOPTED**

**012260** **[Determining effectiveness of condom skills building demonstrations in reducing HIV/STD infections in study participants]**
Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $315,828 for the first year of a three year grant from the Centers for Disease Control and Prevention (CDC) for HIV prevention intervention research on the efficacy of condom skills building and to enter into an agreement for the use of these funds; for the period of September 30, 2001 to September 29, 2002. (Public Health Department)

**Resolution No.** 37-02
**ADOPTED**

**012262** **[Coordinated and comprehensive services for youth engaged in or at high risk of committing juvenile crime]**
Resolution authorizing the San Francisco Department of Public Health (SFDPH), Community Mental Health Services (CMHS) to accept and expend retroactively funds in the amount of $353,022 for the first year of a three year grant from the California Department of Mental Health (CDMH) and the San Francisco Private Industry Council (SFPIC) to reduce youth violence and substance abuse in San Francisco; for the period of July 1, 2001 to June 30, 2002. (Public Health Department)

**Resolution No.** 39-02
**ADOPTED**

## Recommendation of Rules Committee

**012126** **[Appointment]**

Resolution appointing Nancy Rubin, Tony Michelini, Sandy Mori, Johnathan Vernick, James Illig, Tiffany Mock-Goeman, and Salvador Menjivar, terms ending December 10, 2002, to the City Non-Profit Contracting Task Force, residency requirement waived.

Nancy Rubin, new position, seat 1, must be representative of non-profit health, affordable housing development, and human service organizations, for a new one-year term ending December 10, 2002;
Tony Michelini, new position, seat 2, must be representative of non-profit health, affordable housing development, and human service organizations, for a new one-year term ending December 10, 2002;
Sandy Mori, new position, seat 3, must be representative of non-profit health, affordable housing development, and human service organizations, for a new one-year term ending December 10, 2002;
Johnathan Vernick (residency requirement waived), new position, seat 4, must be representative of non-profit health, affordable housing development, and human service organizations, for a new one-year term ending December 10, 2002;
James Illig, new position, seat 5, must be representative of non-profit health, affordable housing development, and human service organizations, for a new one-year term ending December 10, 2002;
Tiffany Mock-Goeman (residency requirement waived), new position, seat 6, must be representative of non-profit health, affordable housing development, and human service organizations, for a new one-year term ending December 10, 2002;
Salvador Menjivar (residency requirement waived), new position, seat 7, must be representative of non-profit health, affordable housing development, and human service organizations, for a new one-year term ending December 10, 2002.

**Resolution No.** 27-02
**ADOPTED**

**The foregoing items were acted upon by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Maxwell

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Audit, Labor and Government Efficiency Committee

**011675 [Investigations and Grounds for Administrative Debarment]**
**Supervisor Peskin**

Ordinance amending Administrative Code Chapter 6 to clarify and update requirements for the solicitation of quotes under subsection 6.21(B); to clarify requirements for modifications to construction contracts under subsection 6.22(H); to add a nonabrogation clause to subsection 6.22(M); to correct the statutory references in section 6.40; to add a nonabrogation clause to subsection 6.42(E); to add a new section 6.8 severability clause; to add a new subsection 6.42(F), requiring that modifications for professional service contracts be in writing; to add an investigation requirement for violations of Chapter 6; and to extend the grounds upon which the City and County may determine a contractor to be nonresponsible to civil or criminal violations against any government entity relevant to the contractor's ability to comply with or perform under the terms and conditions of its contract with the City and County.

**Ordinance No.** 7-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Maxwell

## Recommendation of the Finance Committee

**012185 [SFUSD not provide information regarding 2002 Bond funds]**
**Supervisors Ammiano, McGoldrick, Leno, Maxwell, Hall, Peskin, Newsom**

Ordinance amending the San Francisco Administrative Code by adding Section 10.19-4 to require specified City departments to notify the Board of Supervisors if the San Francisco Unified School District does not provide quarterly written reports to the City on the status of the use of the 2002 school bond proceeds, as required, and to require the School District to provide the City with a written timeline and expenditure plans for each of the projects to be funded with 2002 bond funds prior to the appropriation of the bond funds in order to determine whether the appropriations of these bond funds are necessary and/or appropriate.

**Ordinance No.** 12-02
**FINALLY PASSED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Housing, Transportation and Land Use Committee

**001945 [Woodburning Fireplaces]**
**Supervisor Daly**

Ordinance amending Chapter 31, of the San Francisco Building Code by adding Section 3102.8 to ban the installation of nonapproved woodburning fireplaces and similar devices in new and remodeled buildings and by prohibiting the use of certain fuels in a woodburning appliance; exemptions are provided for woodburning appliances that are designed primarily for food preparation in new or existing restaurants or bakeries, and historic woodburning appliances installed in historic structures; adopting findings.

**Ordinance No.** 13-02
**FINALLY PASSED by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 2 - Hall, Newsom

**011638** **[Industrial Protection Zone Special Use District Zoning Code Amendment]**
**Supervisors Ammiano, Maxwell, McGoldrick**

Ordinance amending the Planning Code by adding Section 249.22 to create Industrial Protection Zone Special Use District that prohibits residential, live/work and office uses and adopting findings pursuant to Section 101.1.

**Ordinance No.** 5-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Excused: 1 - Newsom

**011639** **[Industrial Protection Zone Special Use District Zoning Map Amendment]**
**Supervisors Ammiano, Maxwell, McGoldrick**

Ordinance adopting changes in property use classification by amending the zoning maps of the City and County of San Francisco for Industrial (M-2, M-1 and CM) zones in the area bounded by Bayshore Boulevard, Third Street, Evans Avenue, Rankin Street, Phelps Street, Oakdale Avenue, Selby Street and Helena Street.

(Preliminary Negative Declaration dated June 22, 2001, Case No. 2001.0602ETZ; Planning Commission Resolution No. 16224 adopted September 6, 2001, recommending amendment of the Industrial Protection Zone - Special Use District; companion measure to File 011638.)

**Ordinance No.** 6-02
**FINALLY PASSED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012029** **[Changing Official Width of Sidewalk - Portions of Howard and Minna Streets]**
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1553 to change the official sidewalk width on portions of Howard and Minna Streets between 4th and 5th Streets; making findings pursuant to City Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

**Ordinance No.** 9-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee
Absent: 1 - Sandoval

**012030** **[Changing Official Width of Sidewalk - California Street between Montgomery Street]**
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1554 to change the official sidewalk width on the north side of California Street between Montgomery Street and 137' westerly; making findings pursuant to City Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

**Ordinance No.** 10-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 1 - McGoldrick

**012080** **[Zoning Map Change]**

Ordinance amending the Zoning Map of the City and County of San Francisco for properties generally described as Assessor's Block 713, Lot 33, and Assessor's Block 720, Lots 35 and 36, located on the southwestern portion of the block bounded by O'Farrell (a.k.a. Starr King Way), and Franklin Streets, to change the Height and Bulk District Classification from 240-E and 80-B to 240-B Height and Bulk District and adopting findings pursuant to Planning Code Section 101.1. (Planning Department)

(Planning Commission Resolution No. 16233 adopted September 13, 2001, Case No. 2000.961Z; Final Negative Declaration adopted and issued on September 13, 2001.)
(Supervisor Daly dissenting in Committee.)

**Ordinance No.** 1-02

**FINALLY PASSED by the following vote:**

Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Daly

# NEW BUSINESS

## Recommendations of the Finance Committee

**011939** **[Japan Center Garage Public Parking Lease between CCSF and San Francisco Japan Center Garage Corporation]**

Resolution approving the Japan Center Garage Public Parking Lease by and between the City and County of San Francisco and the City of San Francisco Japan Center Garage Corporation. (Parking and Traffic Department)

**NOT ADOPTED by the following vote:**

Ayes: 5 - Leno, Maxwell, Newsom, Peskin, Yee
Noes: 6 - Ammiano, Daly, Gonzalez, Hall, McGoldrick, Sandoval

**012264** **[Agreement to Purchase Lots 25 & 26 in Assessor Block 6188]**
**Supervisor Peskin**

Resolution approving and authorizing an agreement for the purchase of real property located on Alberta Street in Visitacion Valley, to retain as public open space for a purchase price of $240,000; adopting findings that the conveyance is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

(Fiscal impact.)

**Resolution No.** 40-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Public Health and Environment Committee

**012218** **[HIV care and related services for women and minorities]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) AIDS Office (AO) to accept and expend retroactively a one year grant in the amount of $1,105,000 from the DHHS Office of Minority Health (DHHS OMH) to improve AIDS related health outcomes for women and minorities and to enter into an agreement for the use of these funds; for the period of September 30, 2001 to September 29, 2002. (Public Health Department)

Resolution No. 28-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012224** **[State Department of Rehabilitation Program Agreement]**

Resolution authorizing retroactively the San Francisco Department of Public Health to enter into a cooperative program agreement with the State Department of Rehabilitation, San Francisco District, including a required match of $289,163, to provide vocational services to mentally-ill psychiatric clients in San Francisco; for the period of July 1, 2001 to June 30, 2004. (Public Health Department)

Resolution No. 30-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012230** **[Transfer of approval authority of the Substance Abuse & Crime Prevention Act county plan from the Board of Supervisors to the Department of Public Health]**

Resolution delegating approval authority of the Substance Abuse & Crime Prevention Act of 2000 county plan to the Department of Public Health, in accordance with §9515b(3), Title 9, California Code of Regulations. (Public Health Department)

Resolution No. 33-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012261** **[Coordinating data collection, testing, counseling, referrals, and blood collection and transport at community sites for HIV and HCV prevention]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively one-time funds in the amount of $65,000 from the Centers for Disease Control and Prevention (CDC) supplemental to the CDC Prevention Cooperative Agreement U62/CCU902017-16-2 to reduce HIV and HCV risk behaviors of injection drug users and others at risk for hepatitis C and to enter into an agreement for the use of these funds; for the period of January 1, 2001 to December 31, 2002. (Public Health Department)

Resolution No. 38-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## From City and School District Committee With Recommendation "Do Not Pass"

**011507** **[Unified School District Use of Prop A Bonds]**
**Supervisor Yee**

Resolution urging the San Francisco Unified School District to honor their explicit promise to the voters of the City and County of San Francisco and the Board of Supervisors before they receive the remaining portion of the 1997 Proposition A Bonds.

*1/14/02 - Supervisor Yee, seconded by Supervisor Hall moved to amend. On Page 1, starting with line 24 delete "Further Resolved, That it is the policy of the Board of Supervisors that none of the balance of the 1997 Proposition A bonds for the SFUSD be approved for sale unless the SFUSD guarantees to apply these bond funds to the exact identified school projects, to be completed in the priority order that was enumerated to the Board of Supervisors in 1997; and, be it."*
**AMENDED.**

**NOT ADOPTED by the following vote:**
Ayes: 3 - Hall, Newsom, Yee
Noes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval

## From Rules Committee "Without Recommendation"

**012274** **[Appointment - Public Utilities Commission]**
Motion approving the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, for the term ending January 15, 2005. (Mayor)

Motion No. M02-11
**APPROVED by the following vote:**
Ayes: 9 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 2 - Daly, Gonzalez

**012275** **[Appointment - Public Utilities Commission]**
Motion rejecting the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission. (Mayor)

**TABLED by the following vote:**
Ayes: 9 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 2 - Daly, Gonzalez

**012276** **[Appointment - Public Utilities Commission]**
Motion taking no position concerning the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, for term ending January 15, 2005. (Mayor)

**TABLED by the following vote:**
Ayes: 9 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 2 - Daly, Gonzalez

**012277** **[Appointment - Public Utilities Commission]**

Motion approving the Mayor's appointment of Jeffrey A. Chen to the Public Utilities Commission, for the term ending January 15, 2004. (Mayor)

Motion No. M02-12

**APPROVED by the following vote:**

Ayes: 9 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 2 - Daly, Gonzalez

**012278** **[Appointment - Public Utilities Commission]**

Motion rejecting the Mayor's appointment of Jeffrey A. Chen to the Public Utilities Commission. (Mayor)

**NOT ADOPTED by the following vote:**

Ayes: 2 - Daly, Gonzalez
Noes: 9 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012279** **[Appointment - Public Utilities Commission]**

Motion taking no position concerning the Mayor's appointment of Jeffrey A. Chen to the Public Utilities Commission, for term ending January 15, 2004. (Mayor)

**TABLED by the following vote:**

Ayes: 9 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 2 - Daly, Gonzalez

## SPECIAL ORDER 3:00 P.M.

**012258** **[Public Hearing - 155 Fifth Street]**

Hearing of the full Board of Supervisors to consider adopting a resolution to acquire the temporary construction easement by eminent domain for easterly portions of 155 Fifth Street, in Assessor's Block 3724, Lot 66 ("the Burdened Property"), by the City and County of San Francisco for completing construction to the Moscone Center Expansion Project.

*1/14/02 - President Ammiano moved to continue to January 22, 2002.*

**CONTINUED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012238** **[Construction Easement by Eminent Domain]**

**Supervisor Ammiano**

Resolution authorizing acquisition of a temporary construction easement for easterly portions of 155 Fifth Street, in San Francisco Assessor's Block 3724, Lot 066, by eminent domain, for the Moscone Center Expansion Project.

(Companion measure to Files 012257, 012258.)

*1/14/02 - President Ammiano moved to continue to January 22, 2002.*

**CONTINUED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## SPECIAL ORDER 3:00 P.M.

**020008** **[Public Hearing - Minor Sidewalk Encroachment, 1259 Dolores Street]**

Hearing appealing decision of the Department of Public Works by its letter dated December 5, 2001, disapproving a Minor Sidewalk Encroachment Permit No. 01MSE-424 to encroach into the sidewalk area and to legalize the construction of a warped driveway encroaching ten (10) feet into the public right-of-way with planters on either side of the driveway fronting the property at 1259 Dolores Street.

(Filed by Cindy A. Ossias on December 20, 2001; companion measure to Files 020009, 020010; District 8.)

*1/14/02 - Supervisor Leno moved to continue to January 22, 2002.*

**CONTINUED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**(Only one of the following two motions should be adopted.)**

**020010** **[Minor Sidewalk Encroachment Permit Appeal]**

Motion affirming the decision of the Department of Public Works' denial of a Minor Sidewalk Encroachment Permit for 1259 Dolores Street and denying an Encroachment Permit. (Clerk of the Board)

*1/14/02 - Supervisor Leno moved to continue to January 22, 2002.*

**CONTINUED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020009** **[Minor Sidewalk Encroachment Permit Appeal]**

Motion disapproving the decision of the Department of Public Works' denial of a Minor Sidewalk Encroachment Permit for 1259 Dolores Street and granting an Encroachment Permit. (Clerk of the Board)

*1/14/02 - Supervisor Leno moved to continue to January 22, 2002.*

**CONTINUED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## SPECIAL ORDER 3:00 P.M.

**012265** **[Public Hearing - Conditional Use Appeal, 2801-2825 California Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16287 dated November 15, 2001, approving Conditional Use Application No. 2000.1190C, to mount a total of three panel antennas on the roof of an existing three-story over basement mixed use building, within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, pursuant to Section 711.83 of the Planning Code, on property located at 2801-2825 California Street, southwest corner at Divisadero Street; Lot 001, in Assessor's Block 1028.

*Doug Larnerger, appellant;*
*Michael Simmer, supports appeal;*
*Dianna Scott; supports appeal;*
*Courtney Cocksan, supports appeal;*
*Mark Zier, supports appeal;*
*Ann Denelli, supports appeal;*
*Tracy Hughes, supports appeal;*
*Gordon Winspko, supports appeal;*
*Dave Kunsten, supports appeal;*
*Mark Longwood, supports appeal;*
*Joshua Stern, supports appeal;*
*John Bardis, supports appeal;*
*Woodrow Ichiyasi, supports appeal;*
*female speaker, supports appeal;*

*Gerald Green, Director of Planning, Planning Department*

*Jennifer Estes, SPRINT, project sponsor;*
*Dr. Peter Paulsen, SPRINT, supports project;*
*Andrew Mortora, SPRINT, supports project;*
*Carolyn Sitts, SPRINT, supports project;*
*Shaun Nolan, supports project;*
*Alex Treness, SPRINT, supports project.*
**HEARD AT PUBLIC HEARING.**

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

## (Only one of the following two motions should be adopted.)

**012266** **[Appeal, Conditional Use, 2801-2825 California Street]**

Motion approving decision of the Planning Commission by its Motion No. 16287, approving Conditional Use Application No. 2000.1190C, on property located at 2801-2825 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**TABLED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012267** **[Appeal, Conditional Use, 2801-2825 California Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 16287, approving Conditional Use Application No. 2000.1190C, on property located at 2801-2825 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Motion No.** M02-9

**APPROVED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Hall

**012268** **[Findings - 2801-2825 California Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2000.1190C, on property located at 2801-2825 California Street, for action by the Board at its next meeting. (Clerk of the Board)

**Motion No.** M02-10

**APPROVED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## SPECIAL ORDER 3:00 P.M.

012284 **[Public Hearing, Appeal, Environmental Impact Report, deYoung Museum]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 16291 dated December 6, 2001 certifying the revised Final Environmental Impact Report, Case No. 1999.455E for the proposed deYoung Museum project.

(Appeal filed December 21, 2001. Draft EIR Publication Date: July 22, 2000; Draft EIR Public Hearing Date: August 24, 2000; Draft EIR Public Comment Period: July 22, 2000 to August 29, 2000; Final EIR Certification Date: December 7, 2000; Board of Supervisors hearing on appeal of certification of Final EIR: August 20, 2001; Revised Final EIR publication date: November 20, 2001; Date of Planning Commission certification of revised Final EIR: December 6, 2001; companion measure to Files, 012285, 012286, 012287.)

*Joseph Fusco, People for a New deYoung, appellant;*
*Christian Scott, supports appeal;*
*Roger Brannan, supports appeal;*
*Denise D'Anne, supports appeal;*
*Richard Hansen, supports appeal;*

*Gerald Green, Director of Planning, Planning Department;*
*Paul Maltzer, Environmental Review Officer, Planning Department.*

*Harry Parker, Director, deYoung Museum, project sponsor;*
*Jill Wynn, President, Board of Education, supports project;*
*Dennis Antemore, supports project;*
*Frankie Jacobs Gillette, supports project;*
*Vivian Faye Sin, supports project;*
*Jim Chappel, SPUR, supports project;*
*Paul Rennier, supports project;*
*Dr. Richard Lansarotti, supports project;*
*David Meckall, supports project;*
*Jeanne Grasso, supports project;*
*Toby Levine, supports project;*
*John Barby, supports project;*
*Brother Kelly Cullen, supports project;*
*Edmund, supports project.*
**HEARD AT PUBLIC HEARING.**

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

## (Only one of the following two motions should be adopted.)

012285 **[Affirm certification of New M.H. de Young Museum EIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the New M.H. de Young Museum Development Project located at 75 Tea Garden Drive. (Clerk of the Board)

Motion No. M02-8

**APPROVED by the following vote:**

Ayes: 10 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Gonzalez

**012286** **[Disapprove certification of New M.H. de Young Museum EIR]**

Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the New M.H. de Young Museum Development Project located at 75 Tea Garden Drive. (Clerk of the Board)

**TABLED by the following vote:**

Ayes: 10 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Gonzalez

**012287** **[Preparation of findings to disapprove certification of the New M.H. de Young Museum EIR]**

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the New M.H. de Young Museum Development Project located at 75 Tea Garden Drive. (Clerk of the Board)

**TABLED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## ROLL CALL FOR INTRODUCTIONS

## PUBLIC COMMENT

## APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

**020036** **[Legislative Analyst Request]**
**Supervisor Daly**

Motion asking the Legislative Analyst to study the feasibility of municipal operation of the City's cable system. and to report on the plans of other jurisdictions in light of AT&T Comcast merger.

**TABLED by the following vote:**

Ayes: 8 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 3 - Gonzalez, Newsom, Yee

**020037** **[Legislative Analyst Request]**
**Supervisor Gonzalez**

Motion asking the Legislative Analyst to prepare a report on frequency and schedule of full City Council meetings and committee meetings, number of members, and number of committees for City Councils in the 20 largest cities in California excluding San Francisco.

**APPROVED by the following vote:**

Ayes: 8 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 3 - Gonzalez, Newsom, Yee

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

## Items 50 through 59

**012245** **[Commend - Senator Dianne Feinstein]**
**Supervisors Sandoval, Yee, Newsom, McGoldrick, Leno**

Resolution commending Senator Dianne Feinstein for introducing legislation to amend the Aviation Security Bill to allow lawful permanent residents who are eligible to become U.S. citizens within one year to remain in their current positions.

**Resolution No.** 35-02
**ADOPTED**

**020025** **[24 Hour Bicycle Access on Golden Gate Bridge]**
**Supervisors Leno, Ammiano, Hall, Gonzalez, Peskin**

Resolution urging Golden Gate Bridge, Highway and Transportation District to reinstate 24-hour access for bicycles on Golden Gate Bridge.

**Resolution No.** 41-02
**ADOPTED**

**020026** **[Enforcement of 1992 Energy Policy Act]**
**Supervisor Sandoval**

Resolution urging the United States Department of Energy to enforce the 1992 Energy Policy Act and to remove any loophole that would violate the goal of reducing gasoline consumption.

**Resolution No.** 42-02
**ADOPTED**

**020035** **[Suspending Rules of Order]**
**Supervisor Ammiano**

Motion suspending Rules regarding reference to Committee of amendment to the Rules of Order, Board of Supervisors, relating to Committee Structure.

**Motion No.** M02-14
**APPROVED**

**020034** **[Amending Rules of Order to Create New Committee Structure]**
**Supervisor Ammiano**

Motion amending Rules of Order of the Board of Supervisors of the City and County of San Francisco, by repealing 5.1 through 5.10 and replacing them with new Sections 5.1 through 5.9, thereby creating a new structure of the Board.

**Motion No.** M02-13
**APPROVED**

**020038** **[Final Map for a 105 Unit Residential Condominium Project]**
Motion approving Final Map of The Brannan - Tower "C" (239 Brannan Street), a Residential / Commercial Condominium Project, being a subdivision of Lot 517, Assessor's Block No. 3789, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,335; District 6.)

**Motion No.** M02-4
**APPROVED**

**020039** **[Final Map for a 10 Unit Live/Work Condominium Project]**
Motion approving Final Map of 1025 17th Street, a Live/Work Condominium Project, being a subdivision of Lot 23, Assessor's Block No. 3987, and adopting findings pursuant to City Planning Code Section 101.1 (Public Works Department)

(DPW Order No. 173,332; District 6.)

**Motion No.** M02-5
**APPROVED**

**020044** **[Final Map for a 7 Unit Residential Condominium Project]**
Motion approving Final Map of 798 Stanyan Street, A Residential Condominium Project, being a subdivision of Lot 38, Assessor's Block No. 1250, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,328; District 5.)

**Motion No.** M02-6
**APPROVED**

**020045** **[Final Map for a 6 Unit Residential Condominium Project]**
Motion approving Final Map of 188 Beulah Street, A Residential Condominium Project, being a subdivision of Lot 39, Assessor's Block No. 1250, and adopting findings pursuant to City Planning Code Section 101.1 (Public Works Department)

(DPW Order No. 173,327; District 5.)

**Motion No.** M02-7
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 8 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 3 - Gonzalez, Newsom, Yee

## Severed From Adoption Without Committee Reference

020027 **[Commend - Planned Parenthood]**
**Supervisors Sandoval, Daly**

Resolution commending Planned Parenthood Golden Gate for organizing a ceremony designed to celebrate a woman's right to reproductive choice and for providing quality health care to Bay Area residents for over seventy years.

*Supervisor Hall requested this matter be severed so it could be considered separately.*

*1/14/02 - Supervisor Hall moved to continue to January 22, 2002.*
**CONTINUED by the following vote:**
Ayes: 8 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 3 - Gonzalez, Newsom, Yee

# IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Serious Injury Finding]*
*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**020061 [Banner Regulations]**
**Supervisor Newsom**

Ordinance amending and adding to Section 184.78 of the Public Works Code to clarify the scope of banner regulations that may be adopted by the Department of Public Works, to prohibit banners in residential districts, to require installer name and service phone numbers on all banners, to provide for processing and inspection fees for banner permits, to provide appropriate penalties for violations of Section 184.78, and to provide that bond may be required to be posted prior to receipt of a banner permit.

1/14/02, ASSIGNED UNDER 30 DAY RULE to Neighborhood Services and Parks Committee, expires on 2/13/2002.

**020062 [Elections Task Force]**
**Supervisors Peskin, Daly**

Ordinance amending the 2001 Elections Task Force Ordinance, Board of Supervisors file number 010840, to convene an Elections Task Force to redraw supervisorial district lines pursuant to the provisions set forth in San Francisco Charter section 13.110, as amended by the voters of the City and County of San Francisco at the November 6, 2001 election.

1/14/02, ASSIGNED to Board of Supervisors. Pursuant to File 010840, Board to sit as a Committee of the Whole on January 22, 2002, at 3:00 p.m.

## Resolutions

**020063 [San Francisco Community College District General Obligation Bonds]**
**Supervisors Leno, Newsom, Hall, Sandoval, McGoldrick**

Resolution authorizing the San Francisco Community College District to issue and sell on its own behalf its general obligation bonds approved by the voters at the November 2001 election without further action by this Board of Supervisors or any other officer of the City and County of San Francisco; ratifying certain actions previously taken; and granting general authority to City and County of San Francisco officials to take necessary actions in connection with the issuance of the general obligation bonds by the San Francisco Community College District; providing prior notice to the City and County of San Francisco for the anticipated sale and issuance of any future series of bonds.

1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020064** **[Modification of State Grant Conditions (MCJC)]**
**Mayor**

Resolution authorizing the Mayor's Criminal Justice Council (MCJC) modify San Francisco's comprehensive multi-agency juvenile justice plan, pursuant to Assembly Bill 1913 - known as the Schiff-Cardenas Crime Prevention Act of 2000 (CPA 2000) - in order to limit the scope of program evaluations in accordance with legislative mandates and budgetary restrictions. (Mayor)
1/14/02, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.

**020065** **[National Affordable Housing Trust Fund]**
**Supervisors Leno, Gonzalez, Daly, McGoldrick, Maxwell, Peskin**

Resolution urging the U.S. Congress to enact HR2349 and S1248 creating a National Affordable Housing Trust Fund.
1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020066** **[EIR Re-funding]**
**Supervisors Leno, Daly, Maxwell, McGoldrick**

Resolution urging the Planning Department to address the lack of housing in San Francisco and related issues of homelessness, poverty, mental health, substance abuse and economic empowerment by restoring its original commitment to fund the Environmental Impact Review (EIR) of file 00-2108, a proposal to eliminate floor area ratio limits in C-3 zoning districts.
1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020067** **[CALFED to purchase Dutch Slough]**
**Supervisor Leno**

Resolution urging CALFED to purchase the Dutch Slough area of the San Francisco Bay Delta.
1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020068** **[Establishment of Civil Unions in California]**
**Supervisors Leno, Peskin, Daly, McGoldrick, Gonzalez**

Resolution urging the California State Assembly to enact legislation establishing civil unions.
1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020069** **[California Statewide Communities Development Authority]**
**Supervisor Newsom**

Resolution authorizing the issuance and sale of equipment purchase program notes by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $6,000,000 for the University of San Francisco or an affiliate.
1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020070 **[Regional Transportation Center]**
**Supervisor Newsom**

Resolution supporting a Regional Transportation Center to be developed for the City and County of San Francisco for the purpose of the education and adoption of alternative fuel vehicles to the general public.
1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020071 **[State Constitutional Amendment 7]**
**Supervisors Peskin, Daly**

Resolution supporting State Constitutional Amendment 7 which would strengthen the California Public Records Act as currently proposed by State Senate President John Burton, and Assembly members Keeley, Kehoe, Papan and Shelley.
1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020072 **[California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002]**
**Supervisors Sandoval, Daly, McGoldrick**

Resolution supporting the passage of the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002 and encouraging California voters to approve this bond act on March 5, 2002.
1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020073 **[Ocean Avenue Recreation Center]**
**Supervisor Sandoval**

Resolution urging the Recreation and Park Commission to consider the renaming of Ocean Avenue Recreation Center to "Minnie and Lovie Ward Recreation Center".
1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020074 **[Naturalization Services Program]**
**Supervisors Maxwell, Ammiano, Daly, McGoldrick, Yee, Sandoval, Peskin, Gonzalez, Leno, Newsom**

Resolution urging Governor Gray Davis, the California State Senate, and California State Assembly to fund the Naturalization Services Program at originally appropriated levels for both the 2001-2002 and the 2002-2003 fiscal years.
1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020075 [Commend - Jewish Family and Children's Services Émigré Program]**
**Supervisors Leno, McGoldrick**

Resolution commending Jewish Family and Children's Services Émigré Program for twenty-five years of providing services for refugees and immigrants from the former Soviet Union; and proclaiming January 26, 2002 "Jewish Family and Children's Services Day" in San Francisco.

1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020076 [Commend - Drug Abuse Advisory Board]**
**Supervisor Newsom**

Resolution commending the Drug Abuse Advisory Board for its recent completion of its Fiscal Year 2001-02 Annual Recommendations and Priorities.

1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020078 [Wells Fargo Bank's New Remittance Service]**
**Supervisor Sandoval**

Resolution commending Wells Fargo Bank's outreach to the Hispanic community and their new remittance service allowing customers to wire transfer money to friends and relatives in Mexico for a flat fee.

1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020079 [Management Audit of Homeless Programs]**
**Supervisor Daly**

Hearing to consider the Controller's management audit of homeless programs.

1/14/02, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee. Sponsor requests this item be calendared on January 22, 2002.

**020080 [Adult Probation Department]**
**Supervisor Daly**

Hearing to consider the recommendations made by the Controller in regard to the City's Adult Probation Department and steps taken by the Department to implement these recommendations.

1/14/02, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

**020081 [High Speed Rail]**
**Supervisor Leno**

Hearing on possible local, regional and statewide benefits of creating High Speed Rail connections between San Francisco and cities across California.

1/14/02, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**020082** **[Planning Department]**
**Supervisor McGoldrick**

Hearing on the progress of the Planning Department in fulfilling its plans and programs as previously presented to the Board of Supervisors to justify its 2001-2002 budget requests.
1/14/02, RECEIVED AND ASSIGNED to Finance Committee.

**020083** **[Bayview Hunters Point Community Advocates]**
**Supervisor Sandoval**

Hearing on Bayview Hunters Point Community Advocates, et al., versus Metropolitan Transportation Commission, et. al, and the 2001 Ozone Attainment Plan. Requesting updates from the City Attorney's Office, MUNI, Metropolitan Transportation Commission, Bayview Hunters Point Community Advocates, Sierra Club, and Communities for a Better Environment.

(Bayview Hunters Point Community Advocates, et al. v. Metropolitan Transportation Commission, et al.; United States District Court, Northern District of California, Case No. C01-0750 TEH.)
1/14/02, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.

**020084** **[Dept. of Environment Pesticide Reduction Report]**
**Supervisor Maxwell**

Hearing on the Department of the Environment's Pesticide Reduction Report.
1/14/02, RECEIVED AND ASSIGNED to Public Health and Environment Committee.

## Motions

**020060** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
1/14/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020085** **[Revenue Enhancement Working Group]**
**Supervisor Ammiano**

Motion urging the Mayor, the Controller, the Treasurer and the City Attorney to form a Revenue Enhancement Working Group in conjunction with the Board of Supervisors to consider mechanisms to enhance collection of money owed City departments and to consider appropriate fee levels for Department services.
1/14/02, RECEIVED AND ASSIGNED to Finance Committee.

020086 **[Legislative Analyst - Budget Consideration]**
**Supervisor Ammiano**

Motion directing the Office of the Legislative Analyst to pursue training from the City Controller and the Board of Supervisors Budget Analyst in how the City budget and budget process work; to review recent audits published by the Budget Analyst and the Controller to identify cost-saving measures identified in audits and other reports that have not been implemented; to provide staff support to policy and fiscal committees of the Board of Supervisors during hearings on budget-related matters; and to prioritize such work over Board-approved motions or individual requests received by the Office until the FY 02-03 budget is approved by the Board of Supervisors.
1/14/02, RECEIVED AND ASSIGNED to Rules Committee.

020087 **[Auditor for November 7, 2000 and November 6, 2001 Elections]**
**Supervisor Gonzalez**

Motion directing the Clerk of the Board of Supervisors, in consultation with the Elections Commission and California Secretary of State and subject to approval by the Board of Supervisors, to select an auditor to retally ballots cast in the November 7, 2000 Consolidated Municipal Election and recanvass ballots cast in a random sample of precincts in the November 6, 2001 Consolidated Municipal Election.
1/14/02, RECEIVED AND ASSIGNED to Rules Committee.

## Introduced by the President at the Request of Departments

## PROPOSED ORDINANCES

020051 **[Amending Article 2.4 of the Public Works Code and Sections 10-100.230 and 11.9 of the Administrative Code Concerning Excavation in the Public Right-of-Way; Proposed Increases in Certain Fees]**
Ordinance amending Sections 2.4.2, 2.4.4, 2.4.10, 2.4.20.1, 2.4.20.2, 2.4.20.3, 4.23, 2.4.40, 2.4.41, 2.4.42, 2.4.45, 2.4.46, 2.4.50, 2.4.53, 2.4.55, 2.4.70, 2.4.80, 2.4.81, 2.4.83, and 2.4.85 of Article 2.4 of the Public Works Code, adding Sections 2.4.20.4 to Article 2.4 of the Public Works Code, and amending Sections 10.100-230 and 11.9 of the Administrative Code to modify and adopt new definitions; modify and adopt new procedures for permit application submission, permit conditions, permit modifications, and restoration of the public right-of-way; modify fees for administration of permit applications and inspection of excavations; provide for a report to the Board of Supervisors about such fees; create a process for inspection fee refunds; authorize specified City officials to enforce violations of Article 2.4; increase the maximum assessment for administrative penalties and modify procedures for assessing penalties; establish a utility conditions permit fee; and make technical conforming amendments. (Public Works Department)

(Companion measure to Files 020133, 020134.)
1/9/02, RECEIVED AND ASSIGNED to Finance Committee.

## PROPOSED RESOLUTIONS

**020046** **[Bay Area Cellular Telephone Company dba AT&T Wireless Lease]**

Resolution authorizing and approving a lease of cellular transmitter space at the Fire Station 30 (inactive) at 1300 4th Street to Bay Area Cellular Telephone Company dba AT&T Wireless. (Real Estate Department)

1/9/02, RECEIVED AND ASSIGNED to Finance Committee.

**020047** **[Sprint Spectrum Limited Partnership Transmitter Lease]**

Resolution authorizing and approving a lease of cellular transmitter space at the Mental Health Rehabilitation Facility at San Francisco General Hospital to Sprint Spectrum Limited Partnership. (Real Estate Department)

1/9/02, RECEIVED AND ASSIGNED to Finance Committee.

**020048** **[Metro PCS Transmitter Lease]**

Resolution authorizing and approving a lease of cellular transmitter space at the Fire Station 40 at 2155 18th Avenue; Fire Station 6 at 135 Sanchez Street, and Fire Station 15 at 1000 Ocean Avenue, San Francisco to Metro PCS. (Real Estate Department)

1/9/02, RECEIVED AND ASSIGNED to Finance Committee.

**020049** **[Supplemental Appropriation]**

Resolution approving Supplemental Appropriation and use of Airport Narcotics Forfeiture and Asset Seizure Funds $788,779 for Fiscal Year 2001-02. (Airport Commission)

(Fiscal impact.)

1/9/02, RECEIVED AND ASSIGNED to Finance Committee.

**020050** **[Grant for Public Library's Access News Program]**

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $17,204 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for continuation of the Access News Program for the blind and sight impaired patrons. (Public Library)

1/9/02, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

**020052** **[IHSS Contract Modification Approval - IHSS Consortium of San Francisco]**

**Supervisor Peskin**

Resolution approving the modification of the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from February 1, 2002 to June 30, 2004, in the amount of $18,458,757, for a total contract amount of $47,673,130. (Human Services Department)

(Fiscal impact.)

1/9/02, RECEIVED AND ASSIGNED to Finance Committee.

## Requests Granted

*From: Supervisor Daly*
*To: Director, Planning Department*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: That the Directors of the Planning Department and Department of Parking and Traffic submit an update on construction on Rausch Street. Specifically, what action is being taken to mitigate construction impacts in terms of parking.*

*From: Supervisor Hall*
*To: Director, Department of Public Health*
*To: Director, Department of Human Services*
*To: Director, Mayor's Office of Community Development*
*To: Director, Mayor's Office of Housing*
*To: Director, Department on the Status of Women*
*To: Director, Department of Children, Youth and Their Families*
*To: Director, Redevelopment Agency*
*Requesting/Inquiring: That the Directors of Public Health, Human Services, Community Development, Housing, Status of Women, Children, Youth and Their Families and the Redevelopment Agency submit information on (within the confines of your current budget) how you would reprioritize your budget in order to double the current number of shelter beds and storage facilities currently provided for by the City?*

*From: Supervisor Hall*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation creating a public case tracking system allowing the public easily accessible information on how many citations are issued, how many are dismissed by the courts, the reason for the dismissals, and how many are issued to multiple offenders.*

*From: Supervisor Hall*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation requiring recipients of CAAP funds to seek consultation, treatment for mental illness or substance abuse, or vocational training.*

*From: Supervisor Hall*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation urging all City departments to open and expand hours of operation for all public toilets.*

*From: Supervisor Hall*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation prohibiting urination or defecation on the streets or sidewalks.*

*From: Supervisor Hall*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation prohibiting sleeping on sidewalks once the City has met its obligation to provide the requisite number of shelter beds.*

*From: Supervisor Hall*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation requiring the City to provide shelter beds equal in number to at least a minimum of .5% of the City's total population.*

*From: Supervisor Peskin*
*To: City Attorney*

*Requesting/Inquiring: To draft legislation that would introduce zoning controls in order to preserve the vibrant ground floor retail uses that exist in the Jackson Square area.*

*From: Supervisor Peskin*
*To: Clerk, Board of Permit Appeals*
*Requesting/Inquiring: To submit data about recent actions of the Board of Appeals. (See attachment)*

*From: Supervisor Sandoval*
*To: General Manager, Recreation and Park Department*
*Requesting/Inquiring: Requesting the titles, names and contact numbers of all employees assigned to Balboa Park.*

*From: Supervisor Yee*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation amending the Traffic Code to expand the street closure notification process so that the residents and businesses are more adequately notified of special event street closures and athletic event street closures.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased*

*Percival Santos (Supervisor Sandoval)*
*Michael Deeb (Supervisor Peskin)*
*Denyce Pates (Supervisor Peskin)*
*Patti Field (Supervisor Leno)*
*Maureen Conroy (Supervisors Hall, Newsom)*
*Kathleen Lynch (Supervisor Hall)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 7:07 adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on March 4, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited*

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

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**Tuesday, January 22, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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***TOM AMMIANO, PRESIDENT***
***CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,***
***SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,***
***AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE***
***Gloria L. Young, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Audit, Labor and Government Efficiency Committee**<br>Supervisors Newsom, Daly, McGoldrick | 2nd & 4th Tuesday<br>1:00 PM |
| **City and School District Committee**<br>Supervisor Maxwell, Supervisor Ammiano, Commissioner Wynns, Commissioner Mar | Call of the Chair<br>3:00 PM |
| **Economic Vitality, Small Business and Social Policy Committee**<br>Supervisors Sandoval, Newsom, Gonzalez | 1st & 3rd Tuesday<br>10:00 AM |
| **Finance Committee**<br>Supervisors Peskin, Maxwell | Wednesday<br>12:30 PM |
| **Housing, Transportation and Land Use Committee**<br>Supervisors McGoldrick, Daly, Peskin | 2nd & 4th Thursday<br>10:00 AM |
| **Neighborhood Services and Parks Committee**<br>Supervisors Yee, Hall, Sandoval | 1st & 3rd Tuesday<br>1:00 PM |
| **Public Health and Environment Committee**<br>Supervisors Maxwell, Yee, Leno | 2nd & 4th Tuesday<br>10:00 AM |
| **Public Utilities and Deregulation Committee**<br>Supervisors Daly, Gonzalez, Ammiano | Call of the Chair |
| **Rules Committee**<br>Supervisors Gonzalez, Hall, Ammiano | 1st & 3rd Thursday<br>1:00 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 3

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:01 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Daly, Peskin - 2.*

*Quorum present.*

*Supervisors Daly and Peskin were noted present at 2:03 p.m.*

## APPROVAL OF MEETING MINUTES

*Motion to approve the December 3, 2001, Meeting Minutes.*

**Supervisor Leno, seconded by Supervisor Maxwell, moved to approve the December 3, 2001 Meeting Minutes. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Absent: 2 - Daly, Peskin

## AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled or considered differently.*

*Supervisor Leno indicated the matters relating to the appeal of a Minor Sidewalk Encroachment Permit at 1259 Dolores Street, Files 020008, 020009 and 020010. (See infra.)*

## COMMUNICATIONS

## CONSENT AGENDA

## Items 1 through 3

## Recommendation of the Economic Vitality, Small Business and Social Policy Committee

**012141** **[Federal Grant - MCJC]**
**Mayor**

Resolution authorizing the Mayor's Criminal Justice Council to retroactively accept and expend a grant in the amount of $100,000 from the Office of Justice Programs (OJP) Violence Against Women Office (VAWO) for the purpose of encouraging policies that treat domestic violence and sexual assault as serious violations of criminal law. (Mayor)

**Resolution No.** 47-02
**ADOPTED**

## Recommendation of the Housing, Transportation and Land Use Committee

**012075** **[Parking Regulations, Various Locations]**

Resolution enacting and rescinding parking regulations at various locations.

DIAGONAL (60-DEGREE ANGLE) PARKING - ESTABLISH
Naples Street, east side, from Rolph Street to 150 feet northerly (150-foot zone)

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Kingston Street, both sides, between Coleridge Street and Prospect Avenue (200 block)

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Shrader Street, both sides, between 17th and Rivoli Streets (1400 block)

RESIDENTIAL PERMIT PARKING AREA "R" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Laguna Street, west side, between Eddy and Willow Streets (1200 block)

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Carson Street, both sides, between Douglass Street and west terminus (unit block)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Bayshore Boulevard, east side, from Sunnydale Avenue to 144 feet southerly (144-foot zone, to the San Francisco / San Mateo county line)
San Bruno Avenue, east side, from Silver Avenue to 95 feet northerly (95-foot zone)

UNMETERED MOTORCYCLE PARKING - ESTABLISH
24th Street, south side, from 258 feet to 267.5 feet west of Castro Street (9.5-foot zone, accommodating 2 motorcycle spaces)
4th Avenue, east side, from 278 feet to 286.5 feet south of Cornwall Street (8.5-foot zone, accommodating 2 motorcycle spaces) (Parking and Traffic Department)

(DPT Order No. 2344.)

**Resolution No.** 44-02
**ADOPTED**

## Recommendation of the Neighborhood Services and Parks Committee

**012217** **[Accept-Expend Federal/State Pass Through Grant]**

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $17,894 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for reimbursing tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education. (Public Library)

**Resolution No.** 48-02
**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# REGULAR AGENDA

# UNFINISHED BUSINESS

## From the Clerk

**020091** **[Adopting findings related to the conditional use appeal on property located at 2801-2825 California Street]**

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2000.1190C (which authorized, subject to certain conditions, the mounting of three panel antennas on the roof of an existing three-story over basement mixed use building as part of a wireless telecommunications network), within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, pursuant to 711.83 of the Planning Code, on property located at 2801-2825 California Street, southwest corner at Divisadero Street (Lot 001 in Assessor's Block 1028). (Clerk of the Board)

(Companion measure to Files 012265, 012266, 012267, 012268.)

Motion No. M02-19

**APPROVED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# NEW BUSINESS

## Recommendations of the Economic Vitality, Small Business and Social Policy Committee

**012032** **[Liquor License Transfer, 1539 Folsom Street]**

Resolution determining that the transfer of a Type 47 on-sale general eating place liquor license to Isabel A. Manchester for "WISH SF LLC" located at 1539 Folsom Street, District 6, and to exchange said license to a Type 48 on-sale general public premises, will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Resolution No. 43-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012118** **[Liquor License, 105 A Fillmore Street]**

Resolution determining that the issuance of a Type 9 (beer and wine importer), a Type 17 (wholesaler), and a Type 20 (off-sale beer and wine) alcoholic beverage control licenses to Miura Vineyards, located at 105A Fillmore Street, District 5, will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

**Resolution No.** 46-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Housing, Transportation and Land Use Committee

**012031** **[Parking Regulations on Portion of Green Street]**

Ordinance adding Section 32.6.30 to the San Francisco Traffic Code, regarding parking regulations on a portion of Green Street. (Parking and Traffic Department)

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**011373** **[Interim Control - Third Street]**

**Supervisors Maxwell, Leno, McGoldrick**

Resolution adopting interim controls that would subject the following properties on Third Street between Islais Creek and Paul Avenue, which are currently zoned M (Industrial), to the more restrictive controls of NC-3 (Moderate-Scale Neighborhood Commercial) for a period of twelve months: Assessor's Block 4501, Lots 001, 003, 004, and 005, Block 4881, Lots 012, 018, 022, and 024, Block 4912, Lot 006, Block 4940, Lots 012A, 012B, and 024, Block 5211, Lots 027 and 028, Block 5217, Lot 001, Block 5225, Lot 010, Block 5226, Lots 025 and 028, Block 5235, Lots 003 and 011, Block 5242, Lots 021, 022, 023, 024, and 042, Block 5253, Lots 003, 008, 029, 030, 031, 032, 033 and 034, Block 5260, Lots 001, 002, 003, 032, 034, 035 and 036, Block 5272, Lots 045 and 048, Block 5279, Lots 001, 002 and 003, Block 5414, Lots 005, 006, 007, 008, 025, 026, 027, 028, and 030, Block 5418, Lots 001, 002, and 010, Block 5419, Lots 006, 007, 007B, 007C, 009, 015, 016, 017, and 018, Block 5421, Lot 011, Block 5429, Lot 002, Block 5431A, Lots 001, 001M, 001U, 001V, and 004; adopting findings pursuant to Planning Code Section 101.1.

(Received Certificate of Exemption/Exclusion from Environmental Review dated 9/25/01; received revised Certificate of Exemption/Exclusion from Environmental Review dated 10/22/01)
(12/10/01 at Board: Supervisor Maxwell submitted a substitute resolution bearing new title.)

*Supervisors Leno and McGoldrick requested to be added as co-sponsors.*

**Resolution No.** 63-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012076** **[Traffic Regulations, Various Streets]**

Resolution enacting and rescinding traffic regulations on various streets.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Bayshore Boulevard, both sides, between Leland and Visitacion Avenues
Bayshore Boulevard, east side, between northbound and southbound Tunnel Avenue (34-foot zone, along traffic island)
Bayshore Boulevard, east side, from Leland Avenue to 96 feet northerly (96-foot zone)
Bayshore Boulevard, east side, from North Hester Avenue to 290 feet southerly (290-foot zone)
Bayshore Boulevard, east side, from Sunnydale Avenue to 308 feet northerly (308-foot zone)
Bayshore Boulevard, east side, opposite Leland Avenue (across from the stem of this T-intersection)
Bayshore Boulevard, west side, from San Bruno Avenue to 280 feet northerly (280-foot zone)
Bayshore Boulevard, west side, from Sunnydale Avenue to 418 feet northerly (418-foot zone)
Bayshore Boulevard, west side, from Tunnel Avenue to 550 feet northerly (550-foot zone, including portion directly opposite Tunnel Avenue)
Sunnydale Avenue, south side, from Bayshore Boulevard to 55 feet westerly (55-foot zone)

NO LEFT TURN - ESTABLISH
Bayshore Boulevard, both directions, at Raymond Avenue
Bayshore Boulevard, northbound, at Visitacion Avenue
Bayshore Boulevard, southbound, at Blanken Avenue
Bayshore Boulevard, southbound, at Leland Avenue

NO RIGHT TURN ON RED - ESTABLISH
Bayshore Boulevard, southbound, at San Bruno/Arleta Way
North Hester Avenue, westbound, at Bayshore Boulevard

NO RIGHT TURN - ESTABLISH
Bayshore Boulevard, southbound, onto Arleta Way

BICYCLE LANES - ESTABLISH
3rd Street, northbound, from the Highway 101 overcrossing to Le Conte Avenue
Bayshore Boulevard, northbound, between Sunnydale Avenue and Highway 101 overcrossing
Bayshore Boulevard, southbound, between Arleta Way and Sunnydale Avenue

LEFT LANE MUST TURN LEFT - ESTABLISH
Naples Street, northbound, at Geneva Avenue

NO RIGHT TURN, 7 AM - 9 AM AND 4 PM - 6 PM - RESCIND
Fremont Street, northbound, at Market Street

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
7th Street, west side, from Market Street to 121 feet southerly (121-foot zone, to be extended)

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
7th Street, west side, from Market Street to 140 feet southerly (140-foot zone, extends existing zone and eliminates meter #14)
6th and Bluxome Streets, northwest quadrant, between the extensions of the east property line of 6th Street and the south property line of Bluxome Street (within the intersection)
Bluxome Street, south side, from 6th Street to 9 feet easterly (9-foot zone)
Brannan Street, north side, from 5th Street to 115 feet westerly (115-foot zone)
Brannan Street, north side, from 5th Street to 250 feet easterly (250-foot zone)
Geneva Avenue, north side, from Ocean Avenue to 70 feet easterly (70-foot zone)
Woodside Avenue, north side, from 23 feet to 57 feet west of Portola Drive (34-foot zone) (Parking and Traffic

(DPT Order No. 2344.)

**Resolution No.** 45-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendation of the Neighborhood Services and Parks Committee

**011845** **[Repeal Police Code Sections]**
**Supervisor Leno**

Ordinance amending the San Francisco Police Code to repeal the following provisions thereof: Sections 6, 7, 12, 51.1, 51.2, 92, 93, 94, 115, 141, 142, 147, 152, 168, 169, 170, 171, 176, 177, 182, 183, 193, 194, 199, 205, 210, 215, 231, 241, 242, 243, 244, 245, 246, 247, 248, 265, 266, 270, 271, 272, 299, 300, 305, 310, 315, 320, 748, 764, 765 and 776.

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Board of Supervisors Sitting as a Committee of the Whole

**020062** **[Elections Task Force]**
**Supervisors Peskin, Daly**

Ordinance amending the 2001 Elections Task Force Ordinance, Board of Supervisors file number 010840, to convene an Elections Task Force to redraw supervisorial district lines pursuant to the provisions set forth in San Francisco Charter section 13.110, as amended by the voters of the City and County of San Francisco at the November 6, 2001 election.

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## SPECIAL ORDER 3:00 P.M.

**012258** **[Public Hearing - 155 Fifth Street]**

Hearing of the full Board of Supervisors to consider adopting a resolution to acquire the temporary construction easement by eminent domain for easterly portions of 155 Fifth Street, in Assessor's Block 3724, Lot 66 ("the Burdened Property"), by the City and County of San Francisco for completing construction to the Moscone Center Expansion Project.

*1/22/02 - President Ammiano moved to continue to January 28, 2002.*

**CONTINUED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012238** **[Construction Easement by Eminent Domain]**
**Supervisor Ammiano**

Resolution authorizing acquisition of a temporary construction easement for easterly portions of 155 Fifth Street, in San Francisco Assessor's Block 3724, Lot 066, by eminent domain, for the Moscone Center Expansion Project.

(Companion measure to Files 012257, 012258.)

*1/22/02 - President Ammiano moved to continue to January 28, 2002.*
**CONTINUED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## SPECIAL ORDER 3:00 P.M.

**020008** **[Public Hearing - Minor Sidewalk Encroachment, 1259 Dolores Street]**
Hearing appealing decision of the Department of Public Works by its letter dated December 5, 2001, disapproving a Minor Sidewalk Encroachment Permit No. 01MSE-424 to encroach into the sidewalk area and to legalize the construction of a warped driveway encroaching ten (10) feet into the public right-of-way with planters on either side of the driveway fronting the property at 1259 Dolores Street.

(Filed by Cindy A. Ossias on December 20, 2001; companion measure to Files 020009, 020010; District 8.)

*1/22/02 - Supervisor Leno moved to continue to January 28, 2002.*
**CONTINUED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**(Only one of the following two motions should be adopted.)**

**020010** **[Minor Sidewalk Encroachment Permit Appeal]**
Motion affirming the decision of the Department of Public Works' denial of a Minor Sidewalk Encroachment Permit for 1259 Dolores Street and denying an Encroachment Permit. (Clerk of the Board)

*1/22/02 - Supervisor Leno moved to continue to January 28, 2002.*
**CONTINUED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020009** **[Minor Sidewalk Encroachment Permit Appeal]**
Motion disapproving the decision of the Department of Public Works' denial of a Minor Sidewalk Encroachment Permit for 1259 Dolores Street and granting an Encroachment Permit. (Clerk of the Board)

*1/22/02 - Supervisor Leno moved to continue to January 28, 2002.*
**CONTINUED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## ROLL CALL FOR INTRODUCTIONS

## PUBLIC COMMENT

*Al Rose, help for disabled;*
*Russell Robinson, dispute with Sheriff's Department.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

### Items 19 through 37

**020065** **[National Affordable Housing Trust Fund]**
**Supervisors Leno, Gonzalez, Daly, McGoldrick, Maxwell, Peskin**

Resolution urging the U.S. Congress to enact HR2349 and S1248 creating a National Affordable Housing Trust Fund.

**Resolution No.** 50-02
**ADOPTED**

**020066** **[EIR Re-funding]**
**Supervisors Leno, Daly, Maxwell, McGoldrick**

Resolution urging the Planning Department to address the lack of housing in San Francisco and related issues of homelessness, poverty, mental health, substance abuse and economic empowerment by restoring its original commitment to fund the Environmental Impact Review (EIR) of file 00-2108, a proposal to eliminate floor area ratio limits in C-3 zoning districts.

**Resolution No.** 64-02
**ADOPTED**

**020070** **[Regional Transportation Center]**
**Supervisor Newsom**

Resolution supporting a Regional Transportation Center to be developed for the City and County of San Francisco for the purpose of the education and adoption of alternative fuel vehicles to the general public.

**Resolution No.** 52-02
**ADOPTED**

**020071** **[State Constitutional Amendment 7]**
**Supervisors Peskin, Daly**

Resolution supporting State Constitutional Amendment 7 which would strengthen the California Public Records Act as currently proposed by State Senate President John Burton, and Assembly members Keeley, Kehoe, Papan and Shelley.

**Resolution No.** 53-02
**ADOPTED**

**020072** **[California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002]**
**Supervisors Sandoval, Daly, McGoldrick**

Resolution supporting the passage of the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002 and encouraging California voters to approve this bond act on March 5, 2002.

**Resolution No.** 54-02
**ADOPTED**

**020073** **[Ocean Avenue Recreation Center]**
**Supervisor Sandoval**

Resolution urging the Recreation and Park Commission to consider the renaming of Ocean Avenue Recreation Center to "Minnie and Lovie Ward Recreation Center".

**Resolution No.** 55-02
**ADOPTED**

**020074** **[Naturalization Services Program]**
**Supervisors Maxwell, Ammiano, Daly, McGoldrick, Yee, Sandoval, Peskin, Gonzalez, Leno, Newsom**

Resolution urging Governor Gray Davis, the California State Senate, and California State Assembly to fund the Naturalization Services Program at originally appropriated levels for both the 2001-2002 and the 2002-2003 fiscal years.

**Resolution No.** 56-02
**ADOPTED**

**020075** **[Commend - Jewish Family and Children's Services Émigré Program]**
**Supervisors Leno, McGoldrick**

Resolution commending Jewish Family and Children's Services Émigré Program for twenty-five years of providing services for refugees and immigrants from the former Soviet Union; and proclaiming January 26, 2002 "Jewish Family and Children's Services Day" in San Francisco.

**Resolution No.** 57-02
**ADOPTED**

**020076** **[Commend - Drug Abuse Advisory Board]**
**Supervisor Newsom**

Resolution commending the Drug Abuse Advisory Board for its recent completion of its Fiscal Year 2001-02 Annual Recommendations and Priorities.

**Resolution No.** 58-02
**ADOPTED**

**020078** **[Wells Fargo Bank's New Remittance Service]**
**Supervisor Sandoval**

Resolution commending Wells Fargo Bank's outreach to the Hispanic community and their new remittance service allowing customers to wire transfer money to friends and relatives in Mexico for a flat fee.

**Resolution No.** 59-02
**ADOPTED**

**020060** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

**Motion No.** M02-16
**APPROVED**

**020089** **[Final Map for a 21 Unit Mixed Use Condominium Project]**
Motion approving Final Map of 3338 17th Street, a Mixed Use Condominium Project, being a subdivision of Lot 91, Assessor's Block No. 3569, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,344; District 9.)

**Motion No.** M02-17
**APPROVED**

**020090** **[Final Map for a 37 Unit Live/Work Condominium Project]**
Motion approving Final Map of 60 Rausch Street, a Live/Work Condominium Project, being a subdivision of Lot 160, Assessor's Block No. 3730, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,348; District 6.)

**Motion No.** M02-18
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Maxwell

## Severed From For Adoption Without Committee Reference

**020027 [Commend - Planned Parenthood]**
**Supervisors Sandoval, Daly**

Resolution commending Planned Parenthood Golden Gate for organizing a ceremony designed to celebrate a woman's right to reproductive choice and for providing quality health care to Bay Area residents for over seventy years.

*Supervisor Hall requested this matter be severed so it could be considered separately.*

**Resolution No.** 49-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Hall

**020063 [San Francisco Community College District General Obligation Bonds]**
**Supervisors Leno, Newsom, Hall, Sandoval, McGoldrick**

Resolution authorizing the San Francisco Community College District to issue and sell on its own behalf its general obligation bonds approved by the voters at the November 2001 election without further action by this Board of Supervisors or any other officer of the City and County of San Francisco; ratifying certain actions previously taken; and granting general authority to City and County of San Francisco officials to take necessary actions in connection with the issuance of the general obligation bonds by the San Francisco Community College District; providing prior notice to the City and County of San Francisco for the anticipated sale and issuance of any future series of bonds.

*Supervisor Sandoval requested this matter be severed so it could be considered separately.*

*Supervisor Sandoval requested this matter be referred to the new Transportation and Commerce Committee*

**REFERRED.**

**020067 [CALFED to purchase Dutch Slough]**
**Supervisor Leno**

Resolution urging CALFED to purchase the Dutch Slough area of the San Francisco Bay Delta.

*Supervisor Leno requested this matter be severed so that it could be considered separately.*

*Supervisor Leno requested this matter be continued to January 28, 2002.*

**CONTINUED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020068 [Establishment of Civil Unions in California]**
**Supervisors Leno, Peskin, Daly, McGoldrick, Gonzalez**

Resolution urging the California State Assembly to enact legislation establishing civil unions.

*Supervisor Gonzalez requested this matter be severed so that it could be considered separately.*

*Supervisor Gonzalez requested to be added as a co-sponsor.*

**Resolution No.** 51-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020069** **[California Statewide Communities Development Authority]**
**Supervisor Newsom**

Resolution authorizing the issuance and sale of equipment purchase program notes by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $6,000,000 for the University of San Francisco or an affiliate.

**Supervisor Peskin, seconded by Supervisor Daly, moved to excuse Supervisor McGoldrick from voting on this matter. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**Resolution No.** 26-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Excused: 1 - McGoldrick

**020088** **[Meeting Schedule]**
**Supervisor Ammiano**

Resolution revising the regular meeting schedule of the Board of Supervisors by canceling the April 1, 2002, December 2, 2002, December 23 and December 30, 2002 meetings and by canceling all Board and Committee meetings from August 27 through September 15, 2002 meeting.

**Resolution No.** 60-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Gonzalez, seconded by Supervisor Leno, moved. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

## Imperative Agenda

**020113 [Commemorating Diane Whipple]**
**Supervisor Leno**

Resolution commemorating Diane Whipple one year after her tragic death and declaring Friday, January 25th a day in her memory.

**Resolution No.** 61-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**020114 [Requiring Early Voting in Each Supervisorial District]**
**Supervisor Gonzalez**

Ordinance amending the Municipal Elections Code to require the Department of Elections to establish at least three satellite locations in each Supervisorial district for early voting during the ten calendar days immediately preceding any election held in the City and County of San Francisco.

(Fiscal impact.)

1/22/02, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/21/2002.

**020115** **[Continuances at Board of Appeals]**
**Supervisor Peskin**

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Section 8 to require the Board of Appeals to hear an appeal of a code enforcement action no later than 45 days after the filing of the appeal and to prohibit continuances beyond the 45th day unless the conduct challenged is discontinued pending final action by the Board.
1/22/02, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/21/2002.

## Resolutions

**020113** **[Commemorating Diane Whipple]**
**Supervisor Leno**

Resolution commemorating Diane Whipple one year after her tragic death and declaring Friday, January 25th a day in her memory.
1/22/02, ADOPTED.

**020116** **[Candlestick Park]**
**Supervisors Hall, Daly**

Resolution urging the Recreation and Park Department to keep some derivation of "Candlestick," "Candlestick Point," or "Candlestick Park" in the future title of the stadium at Candlestick Point as it pursues a new naming rights contract for the stadium.
1/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020117** **[Supporting Earthjustice and Amazon Alliance]**
**Supervisor Sandoval**

Resolution supporting Earthjustice and Amazon Alliance in their effort to halt the aerial application of herbicides that cause serious damage to people's health, food crops, livestock, and the wilderness area of Colombia and Ecuador.
1/22/02, RECEIVED AND ASSIGNED to Public Health and Environment Committee.

**020118** **[Commend - Positive Directions Equals Change]**
**Supervisors Leno, Daly**

Resolution commending Positive Directions Equals Change, a nonprofit substance abuse prevention and treatment organization focusing on the African American community.
1/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020119** **[Commend - Mission Hiring Hall and South of Market Employment Center]**
**Supervisors Leno, Daly**

Resolution commending the Mission Hiring Hall and South of Market Employment Center, a service organization helping low-income San Franciscans secure permanent employment.
1/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020120** **[Commend - Daniel Elzie]**
**Supervisors Maxwell, Daly**

Resolution commending Daniel Elzie for his selfless and heroic act on Tuesday, January 15, 2002.
1/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020121** **[Raymond Howell Day]**
**Supervisor Peskin**

Resolution remembering Raymond Howell for his accomplishments as an acclaimed Bay Area oil painter, printmaker and muralist by declaring September 7, 2002 Raymond Howell Day in San Francisco.
1/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020122** **[Parental-Youth Family Communication Promotion]**
**Supervisors Peskin, Hall, Maxwell, Newsom**

Resolution urging the San Francisco Public Health Department, the Department of Children, Youth and their Families, and city agencies associated with youth issues to incorporate and adopt a platform encouraging family communication in their mission statement, educational projects and media campaigns and urging the Mayor to appropriate specified funds in the city's annual budget for departments to promote family communication in public education and campaigns.
1/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### Introduced by the President at the Request of Departments

## PROPOSED ORDINANCES

**020053** **[Settlement Of Lawsuit]**
Ordinance authorizing settlement of the lawsuit filed by Troy Lavelle against the City and County of San Francisco for $35,000; the lawsuit was filed on April 26, 2000 in San Francisco Superior Court, Case No. 311-737; entitled Troy Lavelle, et al., v. City and County of San Francisco, et al. (City Attorney)
1/10/02, RECEIVED AND ASSIGNED to Audit, Labor and Government Efficiency Committee.

**020054** **[Parking Regulations, portions of Clay and Laurel Street]**

Ordinance adding Section 32.6.31 to the San Francisco Traffic Code, regarding parking regulations on portions of Clay and Laurel Street. (Parking and Traffic Department)

(4/11/02 Categorically Exempt from Environmental Review - existing highways and streets)
1/10/02, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**020092** **[Music Licensing Contracts; Chapter 21 Clean-Up]**

Ordinance authorizing Director of Administrative Services to enter into long term agreements for music licensing with performing rights societies as sole source agreements; amending Chapters 21 and 85 of the Administrative Code to correct certain references. (Administrative Services Department)
1/16/02, RECEIVED AND ASSIGNED to Rules Committee.

## PROPOSED RESOLUTIONS

**020056** **[Stop Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
30th Avenue and Santiago Street, northwest and southeast corners, stopping 30th Avenue (makes this an all-way STOP)
Jessie and Ecker Streets, southwest corner, stopping eastbound Jessie Street (presently uncontrolled)
Mariposa and Texas Streets, northeast and southwest corners, stopping Mariposa Street (makes this an all-way STOP) (Parking and Traffic Department)

(DPT Order No. 2375.)
1/10/02, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**020057** **[Parking Regulations, Various Locations]**

Resolution enacting and rescinding parking regulations at various locations.

TWO-HOUR PARKING TIME LIMIT, 7 AM - 6 PM, MONDAY THROUGH SATURDAY - RESCIND
PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Harrison Street, both sides, between 3rd and 4th Streets

RESIDENTIAL PERMIT PARKING AREA "D" (4-HOUR TIME LIMIT, 9 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Mirando Way, both sides, between Cuvier and Milton Streets
Mirando Way, north side, between Rotteck and Rousseau Streets

RESIDENTIAL PERMIT PARKING AREA "W" (1-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
20th Street, south side, between Bryant and York Streets (2800 block)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Delgado Street, north side, from a point 48 feet east of Hyde Street to the eastern terminus (Parking and Traffic Department)

(DPT Order No. 2375.)

1/10/02, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**020058** **[Traffic Regulations, Various Streets]**

**Supervisor Peskin**

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES - ESTABLISH
Avenue of the Palms, both directions (northbound and southbound), between 9th Street and California Avenue (Treasure Island)

RIGHT TURN ONLY - ESTABLISH
Taylor Street, southbound, at California Street (Parking and Traffic Department)

(DPT Order No. 2375.)

1/10/02, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**020093** **[Airport Revenue Bonds]**

Resolution approving a form of Letter of Credit and Reimbursement Agreement relating to the Airport Subordinate Commercial Paper Notes; approving the issuance of up to $2,000,000,000 additional aggregate principal amount of San Francisco International Airport Second Series Revenue Refunding Bonds for the purpose of refinancing 1991 Resolution Bonds and Subordinate Bonds of the Airport Commission; approving the time for sale of Refunding Bonds as ending March 31, 2006; approving a final maturity date of Refunding Bonds of not later than May 1, 2040; and approving certain amendments to the 1991 Master Resolution and the 1997 Master Subordinate Resolution in connection therewith. (Airport Commission)

1/16/02, RECEIVED AND ASSIGNED to Finance Committee.

020094 **[Preventive oral health care among various ethnic/racial caregivers of children in San Francisco between 1 and 5 years of age]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $93,537 with The Regents of the University of California (UCR), the primary contractor, to understand ethnic/racial cultural differences related to children's oral health, under the first year of an award from the National Institutes of Health (NIH); for the period of September 1, 2001 to July 31, 2002. (Public Health Department)

1/16/02, RECEIVED AND ASSIGNED to Public Health and Environment Committee.

020095 **[Grant - Spousal Abuser Prosecution Program]**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $16,684 from the California Department of Justice for a program entitled "Nine West Augmentation - Investigation, Warrants, and Trial Preparation". (District Attorney)

1/16/02, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.

020096 **[Establishing Monthly Contribution to Health Service Trust Fund]**

Resolution establishing monthly contribution amount to Health Service Trust Fund. (Human Resources Department)

(Fiscal impact.)

1/16/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be calendared at the January 30, 2002 meeting.

020100 **[Public Auction - Tax Defaulted Real Property]**

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

1/14/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration as soon as possible.

## Requests Granted

*From: Supervisor Sandoval*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: To report on the feasibility of placing a two-way stop sign on Alemany Boulevard at San Juan Avenue.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Yik Kwa Lau Wong (Supervisors Hall, Leno)*
*Clayton Bassett (Supervisor Peskin)*
*Edward Miller (Supervisor Daly)*

## ADJOURNMENT

*There being no further business, the Board at the hour of 3:04 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on March 4, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited*

Gloria L. Young
Clerk of the Board

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8/02

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT
JUL 29 2002
SAN FRANCISCO
PUBLIC LIBRARY

**Monday, January 28, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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***TOM AMMIANO, PRESIDENT***
***CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,***
***SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,***
***AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE***
***Gloria L. Young, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Audit, Labor and Government Efficiency Committee**<br>Supervisors Newsom, Daly, McGoldrick | 2nd & 4th Tuesday<br>1:00 PM |
| **City and School District Committee**<br>Supervisor Maxwell, Supervisor Ammiano, Commissioner Wynns, Commissioner Mar | Call of the Chair<br>3:00 PM |
| **Economic Vitality, Small Business and Social Policy Committee**<br>Supervisors Sandoval, Newsom, Gonzalez | 1st & 3rd Tuesday<br>10:00 AM |
| **Finance Committee**<br>Supervisors Peskin, Maxwell | Wednesday<br>12:30 PM |
| **Housing, Transportation and Land Use Committee**<br>Supervisors McGoldrick, Daly, Peskin | 2nd & 4th Thursday<br>10:00 AM |
| **Neighborhood Services and Parks Committee**<br>Supervisors Yee, Hall, Sandoval | 1st & 3rd Tuesday<br>1:00 PM |
| **Public Health and Environment Committee**<br>Supervisors Maxwell, Yee, Leno | 2nd & 4th Tuesday<br>10:00 AM |
| **Public Utilities and Deregulation Committee**<br>Supervisors Daly, Gonzalez, Ammiano | Call of the Chair |
| **Rules Committee**<br>Supervisors Gonzalez, Hall, Ammiano | 1st & 3rd Thursday<br>1:00 PM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 4

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

**Members Absent:** Gavin Newsom.

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:03 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Maxwell, McGoldrick, Newsom, Yee - 4.*

*Supervisor Newsom was excused. (See infra)*

*Quorum present.*

*Supervisors Maxwell, McGoldrick, and Yee were noted present at 2:04 p.m.*

## APPROVAL OF MEETING MINUTES

*Motion to approve the December 10, 2001, Meeting Minutes.*

**Supervisor Peskin, seconded by Supervisor Leno, moved to approve the December 10, 2001 Meeting Minutes. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

### Supervisor Newsom Excused from Attendance

**Supervisor Leno, seconded by Supervisor Maxwell, moved to excuse Supervisor Newsom from attending this meeting. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

## AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*Supervisor Ammiano indicated the matter relating to the Construction easement by eminent domain at 155 Fifth Street, Files 012258 and 012238.*

## COMMUNICATIONS

## CONSENT AGENDA

### Items 1 through 6

### Recommendations of the Audit, Labor and Government Efficiency Committee

**020007** **[Settlement of Lawsuit]**
Ordinance authorizing settlement of the attorneys' fees and costs in the matter of Fontanilla and City and County of San Francisco for $105,000. The lawsuit was filed on October 28, 1996, in United States District Court, Case No. C96-3916 JAS; entitled Fontanilla v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**020053** **[Settlement Of Lawsuit]**
Ordinance authorizing settlement of the lawsuit filed by Troy Lavelle against the City and County of San Francisco for $35,000; the lawsuit was filed on April 26, 2000 in San Francisco Superior Court, Case No. 311-737; entitled Troy Lavelle, et al., v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

### Recommendations of the Finance Committee

**020047** **[Sprint Spectrum Limited Partnership Transmitter Lease]**
Resolution authorizing and approving a lease of cellular transmitter space at the Mental Health Rehabilitation Facility at San Francisco General Hospital to Sprint Spectrum Limited Partnership. (Real Estate Department)

**Resolution No.** 71-02
**ADOPTED**

**020048** **[Metro PCS Transmitter Lease]**
Resolution authorizing and approving a lease of cellular transmitter space at the Fire Station 40 at 2155 18th Avenue; Fire Station 6 at 135 Sanchez Street, and Fire Station 15 at 1000 Ocean Avenue, San Francisco to Metro PCS. (Real Estate Department)

**Resolution No.** 72-02
**ADOPTED**

### Recommendations of the Rules Committee

**011826** **[Appointment]**

Resolution appointing Patricia Calfee, term to be determined, to the Citizens Advisory Committee on Elections.

Patricia Calfee, new position, seat 5, must be a registered San Francisco voter with an interest and knowledge in the elections process, and show a commitment to fair and impartial elections, for a new four-year term (ending date to be determined via drawing).

**Resolution No.** 65-02
**ADOPTED**

**011945** **[Appointment]**

Resolution appointing Marc Salomon, term ending December 31, 2002, and Renata Yang, Ques Holloway, Jean Davis, and David Dick, terms ending December 31, 2004, to the Bicycle Advisory Committee.

Marc Salomon, succeeding Steven Bodzin, seat 5, must represent bicycle organization, for the unexpired portion of a three-year term ending December 31, 2002;
Renata Yang, succeeding herself, seat 7, must be a bicyclist-at-large, for a new three-year term ending December 31, 2004;
Ques Holloway, succeeding Douglas Hagan, seat 9, must be a bicyclist-at-large, for a new three-year term ending December 31, 2004;
Jean Davis, succeeding herself, seat 10, must be a bicyclist-at-large, for a new three-year term ending December 31, 2004;
David Dick, succeeding Pi Ra, seat 11, must be a bicyclist-at-large, for a new three-year term ending December 31, 2004.

**Resolution No.** 66-02
**ADOPTED**

**The foregoing items were acted upon by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Board of Supervisors Sitting as a Committee of the Whole

**020062** **[Elections Task Force]**
**Supervisors Peskin, Daly**

Ordinance amending the 2001 Elections Task Force Ordinance, Board of Supervisors file number 010840, to convene an Elections Task Force to redraw supervisorial district lines pursuant to the provisions set forth in San Francisco Charter section 13.110, as amended by the voters of the City and County of San Francisco at the November 6, 2001 election.

**Ordinance No.** 16-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

## Recommendation of the Housing, Transportation and Land Use Committee

**012031** **[Parking Regulations on Portion of Green Street]**
Ordinance adding Section 32.6.30 to the San Francisco Traffic Code, regarding parking regulations on a portion of Green Street. (Parking and Traffic Department)

**Ordinance No.** 15-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

## Recommendation of the Neighborhood Services and Parks Committee

**011845** **[Repeal Police Code Sections]**
**Supervisor Leno**

Ordinance amending the San Francisco Police Code to repeal the following provisions thereof: Sections 6, 7, 12, 51.1, 51.2, 92, 93, 94, 115, 141, 142, 147, 152, 168, 169, 170, 171, 176, 177, 182, 183, 193, 194, 199, 205, 210, 215, 231, 241, 242, 243, 244, 245, 246, 247, 248, 265, 266, 270, 271, 272, 299, 300, 305, 310, 315, 320, 748, 764, 765 and 776.

**Ordinance No.** 14-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

# NEW BUSINESS

## Recommendation of the Audit, Labor and Government Efficiency Committee

**012136** **[IBM Graffiti Settlement]**
**Supervisors Newsom, Peskin, Daly**

Resolution approving settlement of San Francisco's potential claims for fines, penalties and damages against IBM, Ogilvy & Mather and Mindshare arising out of their participation in the stenciling of advertisements on City sidewalks. Under the settlement, the companies shall: (1) pay $19,685.93 to San Francisco to reimburse the City for its out-of-pocket costs arising out of the incident; (2) make a $100,000.00 payment to the San Francisco Clean City Program; (3) clean and remove any stenciled images found to be remaining on City property; and (4) refrain from participating in similar acts in the future. In exchange, San Francisco shall release the companies from potential claims arising out of the stencils and rescind a previous resolution relating to this subject.

**Resolution No.** 67-02

**ADOPTED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

## Recommendations of the Finance Committee

**012236** **[Appropriation - District Attorney]**
**Mayor**

Ordinance appropriating, retroactively, $228,587 from the General Fund Reserve to provide funding for the court ordered change of venue for the case of People of State of California v. Knoller, et al. for the District Attorney for fiscal year 2001-02. (Mayor)

(Fiscal impact.)

*Supervisor Peskin moved, seconded by Supervisor Maxwell to amend.*

*1/28/2002 - Amended on page 1, line 3, by replacing "$228,587" with $260,144" and on page 1, line 24, by replacing "$16,740" with "$53,743". Amended on page 2, line 9, by replacing "$1,298" with "$7,851" and on page 2, line 13, by replacing "$12,000" with "0". Amended on page 3, line 18, by replacing "$228,587" with "$260,144".*

**Supervisor Peskin, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED. The motion carried by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

Ordinance appropriating, retroactively, $260,144 from the General Fund Reserve to provide funding for the court ordered change of venue for the case of People of State of California v. Knoller, et al. for the District Attorney for fiscal year 2001-02. (Mayor)

(Fiscal impact.)

**RE-REFERRED to the Finance Committee.**

**012283** **[2002 Water Revenue Refunding Bonds Issuance]**

Resolution approving the issuance of not to exceed $100,000,000 aggregate principal amount of San Francisco water revenue refunding bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue refunding bonds are issued; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)

**Resolution No.** 69-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

**020001** **[Amendment to Paratransit Broker Agreement]**
**Supervisors Newsom, Peskin, Leno**

Resolution approving Amendment No. 2 to Paratransit Broker Agreement, to improve the ramped taxi program by leasing 24 ramped minivans to the Broker to be subleased to taxicab companies participating in the Paratransit Program, with guaranteed lease payments in the form of paratransit trips provided at no cost to the City; and to make other amendments updating the Agreement. (Public Transportation Commission)

**Resolution No.** 70-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

**020052** **[IHSS Contract Modification Approval - IHSS Consortium of San Francisco]**
**Supervisor Peskin**

Resolution approving the modification of the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from February 1, 2002 to June 30, 2004, in the amount of $18,458,757, for a total contract amount of $47,673,130. (Human Services Department)

(Fiscal impact.)

**Resolution No.** 73-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

**020085** **[Revenue Enhancement Working Group]**
**Supervisors Ammiano, Hall**

Motion urging the Mayor, the Controller, the Treasurer and the City Attorney to form a Revenue Enhancement Working Group in conjunction with the Board of Supervisors to consider mechanisms to enhance collection of money owed City departments and to consider appropriate fee levels for Department services.

**Motion No.** M02-21

**APPROVED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

## Recommendation of the Public Utilities and Deregulation Committee

**012263** **[Adopting the City's Telecommunications Plan]**
**Supervisor Daly**

Resolution adopting the Telecommunications Plan, as adopted and forwarded by the San Francisco Telecommunications Commission, as the City's Telecommunications Plan. (Telecommunications and Information Services)

**Resolution No.** 68-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

## Recommendations of the Rules Committee

**012129** **[Deletion of San Francisco Elections Code Section 586]**
**Supervisors Gonzalez, Hall**

Ordinance amending the San Francisco Elections Code by deleting Section 586, which requires the publication of a statement in the voter information pamphlet disclosing the name of each Supervisor who voted for and against submission of an argument by the Board of Supervisors for publication in the voter information pamphlet.

**PASSED ON FIRST READING by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Yee
Absent: 1 - Newsom

**012189** **[Appointment - James McCray, Jr.]**

Resolution confirming the appointment of James McCray, Jr. to the Board of Directors of the Municipal Transportation Agency to serve the remainder of the James Bourgart's term, ending March 1, 2002. (Mayor)

**Resolution No.** 62-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

**012112** **[Public Hearing by Finance Committee on Mayor's Budget Instructions]**
**Supervisors Peskin, Leno**

Motion amending Rule 5.1 of the Rules of Order of the Board of Supervisors to require the Finance Committee to hold a public hearing on the Mayor's budget instructions to City Departments for each annual City budget after the instructions are released.

**Motion No.** M02-20

**APPROVED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

## SPECIAL ORDER 3:00 P.M.

**020008** **[Public Hearing - Minor Sidewalk Encroachment, 1259 Dolores Street]**

Hearing appealing decision of the Department of Public Works by its letter dated December 5, 2001, disapproving a Minor Sidewalk Encroachment Permit No. 01MSE-424 to encroach into the sidewalk area and to legalize the construction of a warped driveway encroaching ten (10) feet into the public right-of-way with planters on either side of the driveway fronting the property at 1259 Dolores Street.

(Filed by Cindy A. Ossias on December 20, 2001; companion measure to Files 020009, 020010; District 8.)

*Cindy Ossias, appellant;*
*Monica Fish, supports appeal;*
*Ann Wolgier, supports appeal;*
*James Fairfield, AIA, supports appeal;*
*Kathleen O'Hallhot, supports appeal;*
*Ed Murphy, supports appeal;*
*George Laparish, supports appeal.*
*John Kwong, Department of Public Works.*
*Mary Begenstocks, opposes appeal;*
*Cheryl Brinkman, opposes appeal;*
*Rebecca Faye, opposes appeal.*
**HEARD AT PUBLIC HEARING.**

**(Only one of the following two motions should be adopted.)**

**020009** **[Minor Sidewalk Encroachment Permit Appeal]**

Motion disapproving the decision of the Department of Public Works' denial of a Minor Sidewalk Encroachment Permit for 1259 Dolores Street and granting an Encroachment Permit. (Clerk of the Board)

*1/28/02 - Supervisor Leno moved to continue to February 11, 2002.*

**CONTINUED** **by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee
Absent: 2 - Newsom, Sandoval

**020010** **[Minor Sidewalk Encroachment Permit Appeal]**

Motion affirming the decision of the Department of Public Works' denial of a Minor Sidewalk Encroachment Permit for 1259 Dolores Street and denying an Encroachment Permit. (Clerk of the Board)

*1/28/02 - Supervisor Leno moved to continue to February 11, 2002.*

**CONTINUED** **by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee
Absent: 2 - Newsom, Sandoval

## SPECIAL ORDER 3:00 P.M.

**012258** **[Public Hearing - 155 Fifth Street]**

Hearing of the full Board of Supervisors to consider adopting a resolution to acquire the temporary construction easement by eminent domain for easterly portions of 155 Fifth Street, in Assessor's Block 3724, Lot 66 ("the Burdened Property"), by the City and County of San Francisco for completing construction to the Moscone Center Expansion Project.

*President Ammiano moved to continue to February 4, 2002.*

**CONTINUED** **by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee
Absent: 2 - Newsom, Sandoval

**012238 [Construction Easement by Eminent Domain]**
**Supervisor Ammiano**

Resolution authorizing acquisition of a temporary construction easement for easterly portions of 155 Fifth Street, in San Francisco Assessor's Block 3724, Lot 066, by eminent domain, for the Moscone Center Expansion Project.

(Companion measure to Files 012257, 012258.)

*President Ammiano moved to continue to February 4, 2002.*
**CONTINUED by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee
Absent: 2 - Newsom, Sandoval

## SPECIAL ORDER 3:00 P.M.

**020123 [Appointing Road Commissioner]**
Public hearing on the qualifications of Edwin M. Lee, Director of Public Works, for the position of Road Commissioner pursuant to Section 2006 of the Streets and Highway Code. (Clerk of the Board)

(Companion measure to File 020004.)

**HEARD AT PUBLIC HEARING.**

**020004 [Appointing Road Commissioner]**
**Supervisor Newsom**

Ordinance appointing Edwin M. Lee, Director of Public Works, Road Commissioner for the City and County of San Francisco, and repealing Ordinance 447-96. (Public Works Department)

**PASSED, ON FIRST READING by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee
Absent: 2 - Newsom, Sandoval

## ROLL CALL FOR INTRODUCTIONS

## PUBLIC COMMENT

*Abdalla Megahed, feeding the homeless;*
*Vernon Jenkins, vote in next election;*
*Jim Corrigan, complaint against the Fire Department;*
*James Chaffe, San Francisco Public Library Foundation;*
*Amaster Palace, Pacific Islanders senior services;*
*Robert Pender, Park Merced;*
*Gilbert Criswell, redrawing Supervisorial District lines;*
*Cythnia Long, speaking on behalf of Chris Bowman.*

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

## Items 30 through 36

**020116** **[Candlestick Park]**
**Supervisors Hall, Daly**

Resolution urging the Recreation and Park Department to keep some derivation of "Candlestick," "Candlestick Point," or "Candlestick Park" in the future title of the stadium at Candlestick Point as it pursues a new naming rights contract for the stadium.

**Resolution No.** 82-02
**ADOPTED**

**020118** **[Commend - Positive Directions Equals Change]**
**Supervisors Leno, Daly**

Resolution commending Positive Directions Equals Change, a nonprofit substance abuse prevention and treatment organization focusing on the African American community.

**Resolution No.** 74-02
**ADOPTED**

**020119** **[Commend - Mission Hiring Hall and South of Market Employment Center]**
**Supervisors Leno, Daly**

Resolution commending the Mission Hiring Hall and South of Market Employment Center, a service organization helping low-income San Franciscans secure permanent employment.

**Resolution No.** 75-02
**ADOPTED**

**020120** **[Commend - Daniel Elzie]**
**Supervisors Maxwell, Daly**

Resolution commending Daniel Elzie for his selfless and heroic act on Tuesday, January 15, 2002.

**Resolution No.** 76-02
**ADOPTED**

**020121** **[Raymond Howell Day]**
**Supervisor Peskin**

Resolution remembering Raymond Howell for his accomplishments as an acclaimed Bay Area oil painter, printmaker and muralist by declaring September 7, 2002 Raymond Howell Day in San Francisco.

**Resolution No.** 77-02
**ADOPTED**

**020122** **[Parental-Youth Family Communication Promotion]**
**Supervisors Peskin, Hall, Maxwell, Newsom**

Resolution urging the San Francisco Public Health Department, the Department of Children, Youth and their Families, and city agencies associated with youth issues to incorporate and adopt a platform encouraging family communication in their mission statement, educational projects and media campaigns and urging the Mayor to appropriate specified funds in the city's annual budget for departments to promote family communication in public education and campaigns.

**Resolution No.** 78-02
**ADOPTED**

**The foregoing items were acted upon by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee
Absent: 2 - Newsom, Sandoval

## Severed From For Adoption Without Committee Reference

**020067** **[CALFED to purchase Dutch Slough]**
**Supervisor Leno**

Resolution urging CALFED to purchase the Dutch Slough area of the San Francisco Bay Delta.

*Supervisor Leno requested this matter be severed so it could be considered separately.*
**REFERRED to the Finance Committee.**

# IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*
**Supervisor Leno, seconded by Supervisor Gonzalez, moved. The motion carried by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee
Absent: 2 - Newsom, Sandoval

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Leno, seconded by Supervisor Gonzalez, moved Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee
Absent: 2 - Newsom, Sandoval

## Imperitive Agenda

**020152 [Sacred Heart Cathedral]**
**Supervisors Hall, Daly**

Resolution proclaiming January 30, 2002 as "Sacred Heart Cathedral Preparation Day" in the City and County of San Francisco in honor of the school's Sesquicentennial Anniversary.

**Resolution No.** 79-02

**ADOPTED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee
Absent: 2 - Newsom, Sandoval

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**020153 [Amendment to Rent Ordinance]**
**Supervisor Ammiano**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by changing Section 37.9 to add 12 months to the original six-month period during which landlords are prohibited from evicting tenants for non-payment of that portion of rent attributable to capital improvement cost passthrough petitions decided at the Rent Board after April 10, 2000, pursuant to capital improvement petitions filed prior to August 10, 2001 (so that the prohibition period for such evictions is now extended from February 10, 2002 to February 10, 2003); by prohibiting landlords from imposing late fees on tenants for such non-payment of capital improvement costs; and with Findings in support.

1/28/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020154 [Housing Code Amendment]**
**Supervisor Ammiano**

Ordinance amending San Francisco Housing Code Chapter 5, Section 503(b) to make a technical correction, and amending San Francisco Housing Code Chapter 5, Section 503(d), to clarify that the protections of that Section extend to all persons by deleting the references to "families," and to clarify that the Section protects prospective and current tenants.
1/28/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020155 [Building and Planning Code Amendment]**
**Supervisor Yee**

Ordinance amending San Francisco Building Code by adding Sections 104.6 through 104.6.3 and amending the San Francisco Planning Code by adding Section 306.10 to require publication of a cover sheet with neighborhood notices advising how to request information about the notices in multiple languages.

(Fiscal impact.)
1/28/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 2/27/2002. 2/1/02, Referred to Building Inspection Commission and Planning Commission.

## Resolutions

**020152 [Sacred Heart Cathedral]**
**Supervisors Hall, Daly**

Resolution proclaiming January 30, 2002 as "Sacred Heart Cathedral Preparation Day" in the City and County of San Francisco in honor of the school's Sesquicentennial Anniversary.
1/28/02, ADOPTED.

**020156 [Interim Zoning Controls - Live/Work Moratorium]**
**Supervisor Ammiano**

Resolution extending for an additional three-month period interim controls to prohibit the construction of new live/work developments.

(Received Certificate of Exemption/Exclusion from Environmental Review dated 2/13/02)
1/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee. 2/4/02 - Transmitted to Director of Planning for environmental review.

**020157 [Local Regulation of Cigarette Advertising]**
**Supervisors Daly, Leno**

Resolution urging the United States Congress to amend the Federal Cigarette Labeling and Advertising Act to allow state and local governments to regulate tobacco advertising and directing the City's Federal Legislative Representative to take appropriate steps in order to further the enacting of this legislation.
1/28/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020158 [Reducing Greenhouse Gas Emissions]**
**Mayor**

Resolution supporting efforts to curb global warming, adopting greenhouse gas emissions reduction goals for the City and County of San Francisco in excess of the targeted goals of the Kyoto Protocol, and calling for continued actions towards achieving these goals. (Mayor)
1/28/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020159 [Appointment to Telecommunications Commission]**
**Mayor**

Resolution approving the Mayor's appointment of Michael Rouan to the Telecommunications Commission, for the term ending July 1, 2002. (Mayor)
1/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020160 [Stop the Violence Against Women and Girls]**
**Supervisors Ammiano, Peskin, Daly, Hall**

Resolution establishing San Francisco as a Rape Free Zone and formally welcoming to San Francisco, "V Day" a global movement to stop violence against women and girls.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020161 [Centralized Intake Homeless Management Information System]**
**Supervisors Hall, Newsom, Maxwell**

Resolution urging the Mayor's Office of Homelessness to explore the possibility of creating and implementing a centralized intake homeless management information system.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020162 [Saint Paul's Grammar School Day]**
**Supervisors Hall, Ammiano, Leno, Newsom**

Resolution proclaiming February 24, 2002 as "Saint Paul's Grammar School Day" in the City and County of San Francisco in honor of the school's 85th Anniversary.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020163 [Grant - Public Defender]**
**Supervisors Maxwell, Daly**

Resolution authorizing the office of the Public Defender to accept and expend a grant in the amount of $120,000 from Commonwealth to improve the quality and speed of pre-placement assessments, and increase and diversify placement options for youth detained at San Francisco Youth Guidance Center.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020164** **[Supporting AB 1753, Vehicle License Fee]**
**Supervisors McGoldrick, Daly**

Resolution supporting AB 1753 (Migden), which would restore the State Vehicle License Fee.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020165** **[Landmark Designation - Columbo Building]**
**Supervisor Peskin**

Resolution initiating the Designation of a Landmark of the Columbo Building, 1-21 Columbus Street, Block 195, Lot 4, pursuant to Section 1004.1 of the Planning Code.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020166** **[Federal Prescription Drug Benefit Program]**
**Supervisors Sandoval, Daly**

Resolution urging Congress to pass legislation establishing a Prescription Drug Benefit Program that incorporates the principles outlined by the San Francisco Office on the Aging.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020167** **[State Prescription Drug Discount Program]**
**Supervisors Sandoval, Daly**

Resolution urging the Governor of California to continue the State Prescription Drug Discount Program as it provides much needed assistance to Medicare recipients in San Francisco.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020168** **[Unemployment Insurance Commission to extend benefits]**
**Supervisors Yee, Peskin, Daly**

Resolution urging our State and Federal Congressional delegations to take all appropriate steps to urge Unemployment Insurance Commission to extend benefits to the displaced workers from Lee Mah Electronics Company.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020169** **[Displaced workers from WINS Garment Company]**
**Supervisors Yee, Daly**

Resolution urging our Federal Congressional representatives to take all appropriate steps to urge the Internal Revenue Service to cease attempts to put a lien on money set aside for displaced workers from WINS Garment Company.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020177 [Dominican Sisters of Mission San Jose Day]**
**Supervisors Hall, Newsom**

Resolution proclaiming February 10, 2002 as "The Dominican Sisters of Mission San Jose Day" in the City and County of San Francisco in honor of the order's 125th anniversary of ministry in San Francisco.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020178 [Commend - Department of Public Works]**
**Supervisors Hall, Peskin, Maxwell, Daly, Newsom**

Resolution commending the Department of Public Works and all other City agencies, merchant organizations, and community groups for their participation in programs that help keep San Francisco clean.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020170 [Allegations of Discrimination]**
**Supervisor Daly**

Hearing to consider allegations of discrimination on the basis of sexual orientation and HIV status by members of the San Francisco Drug Abuse Advisory Board.
1/28/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020171 [Impact of Unemployment in the Latino Community]**
**Supervisors Daly, Sandoval, Gonzalez**

Hearing to consider the disproportionate impact of unemployment in the Latino community.
1/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020172 [Implementation of Equal Access to Services Ordinance]**
**Supervisor Leno**

Hearing to receive an update from Tier 1 City Departments on their implementation of the Equal Access to Services Ordinance.
1/28/02, RECEIVED AND ASSIGNED to Finance Committee. Sponsor requests this item be scheduled for consideration at the February 13, 2002 meeting.

**020173 [Personnel for City Department Public Relations Purposes]**
**Supervisor McGoldrick**

Hearing on the use of city personnel and/or consultants by City departments for public relations purposes.
1/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020176** **[Formulation of Department Budget]**
**Supervisor Peskin**

Hearing to address the formulation of Departmental budgets for three finance related departments.
1/28/02, RECEIVED AND ASSIGNED to Finance Committee.

## Motions

**020150** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020151** **[Suspending Rules of Order]**
Motion suspending Rules regarding referral of appointments to the Rules Committee. (Clerk of the Board)
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020149** **[Appointment to San Francisco LAFCO]**
Motion appointing Supervisor Tony Hall, term to be determined, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

Supervisor Tony Hall, succeeding Supervisor Chris Daly, seat 2, must be a member of the San Francisco Board of Supervisors, for a term to be determined.
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020185** **[Appointment to San Francisco LAFCO]**
Motion appointing Supervisor Aaron Peskin as an alternate member to the San Francisco Local Agency Formation Commission. (Clerk of the Board)
1/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020174** **[Legislative Analyst Request]**
**Supervisors Daly, Hall**

Motion asking the Legislative Analyst to determine the size of the City's car fleet by City department and a review of policies on who can use these vehicles.
1/28/02, ASSIGNED to Board of Supervisors. Scheduled for consideration February 4, 2002.

**020175** **[Legislative Analyst Request]**
**Supervisor Sandoval**

Motion asking the Legislative Analyst to conduct a survey of municipalities and states, with a particular emphasis on Maine, Oregon, Florida, and Massachusetts, to examine programs that reduce prescription drug costs for seniors.

1/28/02, ASSIGNED to Board of Supervisors. Scheduled for consideration February 4, 2002

## Introduced by the President at the Request of Departments

## PROPOSED ORDINANCES

**020106** **[Approval of the sale of street flower market permit and deletion of site location]**

Ordinance approving the sale of a street flower market permit pursuant to San Francisco Public Works Code Article 5, Section 161, and amending Public Works Code Article 5, Section 155 to delete the flower market location on the south side of Market Street within 100 feet of the west line of 5th Street. (Public Works Department)

1/22/02, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

1/28/02, TRANSFERRED to Public Works and Public Protection Committee. New committee structure, 2/1/02.

## PROPOSED RESOLUTIONS

**020077** **[Lease of Real Property]**

Resolution authorizing extension of a lease of real property at 617-623 Mission/101 New Montgomery Streets for the Department of Child Support Services. (Real Estate Department)

1/17/02, RECEIVED AND ASSIGNED to Finance Committee.

**020103** **[Reduce risk behaviors that lead to exposure to HIV and increase adherence to remedial treatment after exposure to HIV]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $162,320.48 with The Regents of the University of California San Francisco (UCRSF), for the "Behavioral, Basic and Clinical Studies of the Post-Exposure Prophylaxis (PEP)" project for the period of September 1, 2001 to August 31, 2002. (Public Health Department)

1/18/02, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Department requests this item be calendared at the February 12, 2002 meeting.

1/28/02, TRANSFERRED to Health and Human Services Committee. New Committee Structure 2/1/02.

**020104** **[Grant - Juvenile Firesetters Program]**

Resolution authorizing the Fire Department to accept and expend a grant in the amount of $63,475.00 from the Federal Emergency Management Agency for the Juvenile Firesetters Program. (Fire Department)

1/18/02, RECEIVED AND ASSIGNED to Economic Vitality, Small Business and Social Policy Committee.

1/28/02, TRANSFERRED to Public Works and Public Protection Committee. New Committee Structure 2/1/02.

**020107** **[Occupancy of the tow-away lane on Kearny Street and the sidewalk and a portion of the right turn lane on Jackson Street during construction operations at 838 Kearny Street]**

Resolution granting revocable permission to Herrero Brothers to temporarily close and occupy a portion of the tow-away lane on the east side of Kearny Street between Jackson and Washington Streets; and to temporarily close and occupy the sidewalk and a portion of the right turn lane on the south side of Jackson Street between Kearny Street and Columbus Avenue during construction operations at 838 Kearny Street (Assessor's Block 0195, Lot 013). (Public Works Department)

1/22/02, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

**020108** **[Grant - Mental health services to transgender racial and ethnic minorities in non-mental health settings]**
**Supervisors Leno, Newsom**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $400,000 for the first year of three years from the Substance Abuse and Mental Health Services Administration (SAMHSA) to expand mental health services for racial and ethnic minority transgenders in non-mental health settings and to enter into an agreement for the use of these funds; for the period of October 1, 2001 to September 30, 2002. (Public Health Department)

1/22/02, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Department requests this item be calendared at the February 12, 2002 meeting.

1/28/02, TRANSFERRED to Health and Human Services Committee. New Committee Structure 2/1/02.

## Requests Granted

*From: Supervisor Ammiano*
*To: Controller*
*Requesting/Inquiring: Request for draft supplemental re-appropriation for Local Streets and Roads Rehabilitation Projects. (See attachment)*

*From: Supervisor Gonzalez*
*To: General Manager, Recreation and Park Department*
*Requesting/Inquiring: To report what steps are necessary to implement a pilot time-share program in District 5 creating times for off-lease dog use in parks.*

*From: Supervisor Leno*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation, which would remove the ban on motorcycle parking between cars in metered parking.*

*From: Supervisor Maxwell*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation that would direct all officers, boards or commissions to allocate a percentage of the gross estimated construction costs from any bond issue or request for appropriation for the construction or alteration of a building, aboveground structure, new park, or transportation improvement project to a workforce development fund related to the new project.*
*Non-profit job developers, educational institutions and union apprenticeship programs may apply for funding, with those that are located in San Francisco and those that train disadvantaged residents given a priority.*

*From: Supervisor Maxwell*
*To: Tax Collector*
*Requesting/Inquiring: To report on the New Jobs Tax Credit program. In particular:*
*1. Information on the effect of the tax credit in the three most recent fiscal years in terms of employment and local tax revenues.*
*2. A listing of businesses that have claimed the tax credit in the three most recent fiscal years.*
*3. Information on the number of (a) San Francisco residents and (b) disadvantaged residents who gained employment in the three recent fiscal years as a result of the program.*
*Due: February 25, 2002*

*From: Supervisor McGoldrick*
*To: All City Departments*
*Requesting/Inquiring: That all City departments that employ public relations personnel, report the number of such positions, the classification of such positions, the annual salary of such positions, as well as fringe benefits, and whether such programs are filled or vacant, and if vacant how long they have been so. If such services are provided through contract with consultants, please provide such contracts, along with the work plan under which the consultant operates. Responses to this inquiry should be addressed both to Supervisor McGoldrick and to Budget Analyst Harvey Rose.*

*From: Supervisor Sandoval*
*To: City Attorney*
*Requesting/Inquiring: To investigate the lawsuit filed by the State Attorney General of Nevada which seeks restitution for the state and its most elderly victims and charges 12 major drug companies with violation of the state's consumer protection, Medicaid fraud, and racketeering laws.*

*From: Supervisor Sandoval*
*To: Executive Director, Laguna Honda Hospital*
*Requesting/Inquiring: Inquiring if Laguna Honda Hospital will be contracting out the hospital's laundry*

*service jobs; and to report if the Executive Director has spoken with the union that currently represents laundry service workers to confirm that the contracting out of their services does not violate any collective bargaining agreement.*
*Due: Ten days from receipt of this letter.*

*From: Supervisor Yee*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation to ban parking of large vehicles (e.g. trucks) soliciting customers via wrap-around, painted or otherwise emblazoned advertisements on the vehicles, in public parking lots, on public thoroughfares, or in other public places.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Sume K. Chew (Supervisor McGoldrick)*
*David Graves (Entire Board)*
*Tony Kilroy (Entire Board)*
*Pete O. Lapid (Supervisor Sandoval)*
*Rizalino "Ross" Quema (Supervisor Sandoval)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 4:35 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on* March 18: 2002

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited*

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT
JUL 29 2002
SAN FRANCISCO
PUBLIC LIBRARY

**Monday, February 4, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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***TOM AMMIANO, PRESIDENT***
***CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,***
***SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,***
***AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE***
***Gloria L. Young, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Maxwell | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 5

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Maxwell, McGoldrick - 2.*

*Quorum present.*

*Supervisor Maxwell was noted present at 2:01 p.m.*

*Supervisor McGoldrick was noted present at 2:02 p.m.*

## APPROVAL OF MEETING MINUTES

*Motion to approve the December 17, 2001, Meeting Minutes.*

**Supervisor Leno, seconded by Supervisor Yee, moved to approve the December 17, 2001 Meeting Minutes. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 1 - McGoldrick

### Privilege of the Floor

**Supervisor Yee, seconded by Supervisor Newsom, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guest. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

### Introduction of Guests

*Supervisor Yee introduced, welcomed and presented a commendation to Meng Deng, 1st prize winner poster contest calendar for the Chinese Resource Center.*

# AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*Supervisor Peskin indicated the matter relating to the lease of cellular transmitter space at the Fire Station 30, File 020046. (See infra.)*

# COMMUNICATIONS

# CONSENT AGENDA

## Items 1 through 4

## Recommendations of the Audit, Labor and Government Efficiency Committee

**020007** **[Settlement of Lawsuit]**
Ordinance authorizing settlement of the attorneys' fees and costs in the matter of Fontanilla and City and County of San Francisco for $105,000. The lawsuit was filed on October 28, 1996, in United States District Court, Case No. C96-3916 JAS; entitled Fontanilla v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 19-02
**FINALLY PASSED**

**020053** **[Settlement of Lawsuit]**
Ordinance authorizing settlement of the lawsuit filed by Troy Lavelle against the City and County of San Francisco for $35,000; the lawsuit was filed on April 26, 2000 in San Francisco Superior Court, Case No. 311-737; entitled Troy Lavelle, et al., v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 20-02
**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Severed From Consent Agenda

**020003** **[Grant of up to $500,000 from the California Integrated Waste Management Board for clean-up of illegal dumping sites in San Francisco]**

**Supervisors McGoldrick, Peskin, Hall, Newsom**

Resolution authorizing the Director of Public Works to accept and expend a grant in the amount of $500,000 from the California Integrated Waste Management Board for clean-up of illegal dumping sites in San Francisco. (Public Works Department)

*Supervisor McGoldrick requested this matter be severed so it could be considered separately.*

**Resolution No.** 84-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020046** **[Bay Area Cellular Telephone Company dba AT&T Wireless Lease]**

Resolution authorizing and approving a lease of cellular transmitter space at the Fire Station 30 (inactive) at 1300 4th Street to Bay Area Cellular Telephone Company dba AT&T Wireless. (Real Estate Department)

*Supervisor Peskin requested this matter be severed so it could be considered separately.*

**RE-REFERRED to the Finance Committee.**

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Clerk

**020004** **[Appointing Road Commissioner]**

**Supervisor Newsom**

Ordinance appointing Edwin M. Lee, Director of Public Works, Road Commissioner for the City and County of San Francisco, and repealing Ordinance 447-96. (Public Works Department)

**Ordinance No.** 18-02

**FINALLY PASSED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

### Recommendation of the Rules Committee

**012129** **[Deletion of San Francisco Elections Code Section 586]**
**Supervisors Gonzalez, Hall**

Ordinance amending the San Francisco Elections Code by deleting Section 586, which requires the publication of a statement in the voter information pamphlet disclosing the name of each Supervisor who voted for and against submission of an argument by the Board of Supervisors for publication in the voter information pamphlet.

**Ordinance No.** 17-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Yee

# NEW BUSINESS

## Recommendations of the Economic Vitality, Small Business and Social Policy Committee

**012187** **[Consular Identification Cards]**
**Supervisors Sandoval, Gonzalez, Leno, Daly, Ammiano, McGoldrick, Peskin, Yee, Maxwell, Newsom**

Ordinance amending the San Francisco Administrative Code by adding Chapter 95, encompassing Section 95.1, to require City departments to accept identification cards issued to foreign citizens or nationals if the issuing country authorizes the use of the card as a passport for re-entry into the issuing country, the card has a photograph of the person and date of birth, and the process for issuing the card meets standards established by the Director of Administrative Services to ensure accurate identification of the person and to discourage fraudulent documents.

*Supervisor Newsom requested to be added as a co-sponsor.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012140** **[Grant - Juvenile Accountability Block Program]**
**Mayor**

Resolution authorizing the Mayor's Criminal Justice Council to retroactively accept and expend a grant in the amount of $592,198 from the Office of Criminal Justice Planning (OCJP) for the purpose of implementing local juvenile justice accountability measures through the Juvenile Accountability Incentive Block Grant Program (JAIBG). (Mayor)

**Resolution No.** 80-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012239** **[Krug Winery]**
**Supervisors Gonzalez, Sandoval, Peskin, Daly, Maxwell**

Resolution supporting the workers of United Food and Commercial Workers Local 186D in their campaign to preserve the last remaining wine production union in Napa Valley.

**Resolution No.** 83-02

**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Finance Committee

**020096** **[Establishing Monthly Contribution to Health Service Trust Fund]**
Resolution establishing monthly contribution amount to Health Service Trust Fund. (Human Resources Department)

(Fiscal impact.)

**Resolution No.** 86-02

**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020100** **[Public Auction - Tax Defaulted Real Property]**
Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

**Resolution No.** 81-02

**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Housing, Transportation and Land Use Committee

**020002** **[Changing the designation of 572 Folsom Street from a Category V Building to a Category III building]**
**Supervisor Peskin**

Ordinance changing the designation of 572 Folsom Street from Category V (Unrated) to Category III (Contributory) pursuant to Article 11 of the Planning Code. (Planning Department)

**PASSED, ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020005** **[Awarding the Management Agreement for the Golden Gateway Garage to Five Star Parking/Elite Parking, Joint Venture]**
Resolution approving the award of the Management Agreement for the Golden Gateway Garage to Five Star Parking/Elite Parking, Joint Venture. (Parking and Traffic Department)

**Resolution No.** 85-02

**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# SPECIAL ORDER 3:00 P.M.

**012258** **[Public Hearing - 155 Fifth Street]**

Hearing of the full Board of Supervisors to consider adopting a resolution to acquire the temporary construction easement by eminent domain for easterly portions of 155 Fifth Street, in Assessor's Block 3724, Lot 66 ("the Burdened Property"), by the City and County of San Francisco for completing construction to the Moscone Center Expansion Project.

**Supervisor Daly, seconded by Supervisor Maxwell, moved to File. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee
Absent: 1 - Sandoval

**012238** **[Construction Easement by Eminent Domain]**
**Supervisor Ammiano**

Resolution authorizing acquisition of a temporary construction easement for easterly portions of 155 Fifth Street, in San Francisco Assessor's Block 3724, Lot 066, by eminent domain, for the Moscone Center Expansion Project.

(Companion measure to Files 012257, 012258.)

**Supervisor Daly, seconded by Supervisor Newsom, moved that this Resolution be TABLED. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee
Absent: 1 - Sandoval

# COMMITTEE REPORTS

## From Health and Human Services Committee

**020153** **[Amendment to Rent Ordinance]**
**Supervisors Ammiano, Daly**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by changing Section 37.9 to add 12 months to the original six-month period during which landlords are prohibited from evicting tenants for non-payment of that portion of rent attributable to capital improvement cost passthrough petitions decided at the Rent Board after April 10, 2000, pursuant to capital improvement petitions filed prior to August 10, 2001 (so that the prohibition period for such evictions is now extended from February 10, 2002 to February 10, 2003); by prohibiting landlords from imposing late fees on tenants for such non-payment of capital improvement costs; and with Findings in support.

**PASSED ON FIRST READING by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 2 - Hall, Newsom

## Appointment of President Pro Tempore

*At the request of the President, Supervisor Sandoval assumed the Chair for a brief period.*

*The Presient resumed the Chair shortly thereafter.*

# ROLL CALL FOR INTRODUCTIONS

# PUBLIC COMMENT

*Abdalla Megahed, homelessness;*
*James Chaffe, San Francisco Public Library Foundation;*
*Noel Camille, San Francisco Rape Free Zone;*
*M.F. Chester, Samoan low income and senior services;*
*John Jenkel, Calpine contract;*
*Jim Corrigan, San Francisco Fire Department overtime;*
*male speaker, stop lights in downtown should be cut off.*

# APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

020174 **[Legislative Analyst Request]**
**Supervisors Daly, Hall**

Motion asking the Legislative Analyst to determine the size of the City's car fleet by City department and a review of policies on who can use these vehicles.

*Supervisor Daly moved to continue to February 11, 2002.*
**CONTINUED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020175 **[Legislative Analyst Request]**
**Supervisor Sandoval**

Motion asking the Legislative Analyst to conduct a survey of municipalities and states, with a particular emphasis on Maine, Oregon, Florida, and Massachusetts, to examine programs that reduce prescription drug costs for seniors.

**APPROVED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

## Items 21 through 37

**020160** **[Stop the Violence Against Women and Girls]**
**Supervisors Ammiano, Peskin, Daly, Hall**

Resolution establishing San Francisco as a Rape Free Zone and formally welcoming to San Francisco, "V Day" a global movement to stop violence against women and girls.

**Resolution No.** 87-02
**ADOPTED**

**020162** **[Saint Paul's Grammar School Day]**
**Supervisors Hall, Ammiano, Leno, Newsom**

Resolution proclaiming February 24, 2002 as "Saint Paul's Grammar School Day" in the City and County of San Francisco in honor of the school's 85th Anniversary.

**Resolution No.** 89-02
**ADOPTED**

**020166** **[Federal Prescription Drug Benefit Program]**
**Supervisors Sandoval, Daly**

Resolution urging Congress to pass legislation establishing a Prescription Drug Benefit Program that incorporates the principles outlined by the San Francisco Office on the Aging.

**Resolution No.** 91-02
**ADOPTED**

**020167** **[State Prescription Drug Discount Program]**
**Supervisors Sandoval, Daly**

Resolution urging the Governor of California to continue the State Prescription Drug Discount Program as it provides much needed assistance to Medicare recipients in San Francisco.

**Resolution No.** 92-02
**ADOPTED**

**020168** **[Unemployment Insurance Commission to extend benefits]**
**Supervisors Yee, Peskin, Daly**

Resolution urging our State and Federal Congressional delegations to take all appropriate steps to urge Unemployment Insurance Commission to extend benefits to the displaced workers from Lee Mah Electronics Company.

**Resolution No.** 93-02
**ADOPTED**

**020169** **[Displaced workers from WINS Garment Company]**
**Supervisors Yee, Daly**

Resolution urging our Federal Congressional representatives to take all appropriate steps to urge the Internal Revenue Service to cease attempts to put a lien on money set aside for displaced workers from WINS Garment Company.

**Resolution No.** 94-02
**ADOPTED**

**020177** **[Dominican Sisters of Mission San Jose Day]**
**Supervisors Hall, Newsom**

Resolution proclaiming February 10, 2002 as "The Dominican Sisters of Mission San Jose Day" in the City and County of San Francisco in honor of the order's 125th anniversary of ministry in San Francisco.

**Resolution No.** 95-02
**ADOPTED**

**020178** **[Commend - Department of Public Works]**
**Supervisors Hall, Peskin, Maxwell, Daly, Newsom**

Resolution commending the Department of Public Works and all other City agencies, merchant organizations, and community groups for their participation in programs that help keep San Francisco clean.

**Resolution No.** 96-02
**ADOPTED**

**020129** **[Final Map for a 38 Unit Live/Work Condominium Project]**
Motion approving Final Map of Third Street Lofts, 2002 Third Street, a Live/Work Condominium Project, being a subdivision of Lot 23, Assessor's Block No. 3995, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,364; District 10.)

**Motion No.** M02-22
**APPROVED**

**020150** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

**Motion No.** M02-24
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Severed From Adoption Without Committee Reference

**020161** **[Centralized Intake Homeless Management Information System]**
**Supervisors Hall, Newsom, Maxwell**

Resolution urging the Mayor's Office of Homelessness to explore the possibility of creating and implementing a centralized intake homeless management information system.

*Supervisor Newsom requested this matter be severed so it could be considered separately.*

*Supervisor Newsom requested to be added as a co-sponsor.*
**Resolution No.** 88-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020163** **[Grant - Public Defender]**
**Supervisors Maxwell, Daly**

Resolution authorizing the office of the Public Defender to accept and expend a grant in the amount of $120,000 from Commonwealth to improve the quality and speed of pre-placement assessments, and increase and diversify placement options for youth detained at San Francisco Youth Guidance Center.

*Supervisor Sandoval requested this matter be severed so it could be considered separately.*
**REFERRED to the Public Works and Public Protection Committee.**

**020164** **[Supporting AB 1753, Vehicle License Fee]**
**Supervisors McGoldrick, Daly**

Resolution supporting AB 1753 (Migden), which would restore the State Vehicle License Fee.

*Supervisor Hall requested this matter be severed so it could be considered separately.*

*Supervisor Hall moved to continue to February 11, 2002.*
**CONTINUED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020165 [Landmark Designation - Columbo Building]**
**Supervisor Peskin**

Resolution initiating the Designation of a Landmark of the Columbo Building, 1-21 Columbus Street, Block 195, Lot 4, pursuant to Section 1004.1 of the Planning Code.

*Supervisor Peskin requested this matter be severed so it could be considered separately.*

*2/04/02 - Supervisor Peskin presented an amendment of the whole bearing new title.*
**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.**

Resolution initiating the designation of the Colombo Building, 1-21 Columbus Avenue and 612-624 Washington Street, located at the northwest corner of Columbus Avenue and Washington Street at its intersection with Montgomery Street, encompassing all of Lot 4 in Block 195, as a landmark pursuant to Section 1004.1 of the San Francisco Planning Code.

**Resolution No.** 90-02
**ADOPTED AS AMENDED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020151 [Suspending Rules of Order]**
Motion suspending Rules regarding referral of appointments to the Rules Committee. (Clerk of the Board)

*Supervisor Hall requested this matter be severed so it could be considered separately.*

**Motion No.** M02-25
**APPROVED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020149 [Appointment to San Francisco LAFCO]**
Motion appointing Supervisor Tony Hall, term to be determined, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

Supervisor Tony Hall, succeeding Supervisor Chris Daly, seat 2, must be a member of the San Francisco Board of Supervisors, for a term to be determined.

*Supervisor Hall requested this matter be severed so it could be considered separately.*

*Supervisor Leno, seconded by Supervisor Daly moved to excuse Supervisor Hall from voting on this matter.*
**Motion No.** M02-23
**APPROVED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Excused: 1 - Hall

**020185 [Appointment to San Francisco LAFCO]**
Motion appointing Supervisor Aaron Peskin as an alternate member to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

*Supervisor Hall requested this matter be severed so it could be considered separately.*

*Supervisor Leno, seconded by Supervisor Daly moved to excuse Supervisor Peskin from voting on this matter.*
**Motion No.** M02-26
**APPROVED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Excused: 1 - Peskin

# IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Daly, seconded by Supervisor Leno, moved. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Daly, seconded by Supervisor Leno, moved Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Imperative Agenda

**020187 [Commendation - Mrs. Louise C. Jones]**
**Supervisor Maxwell**

Resolution commending and honoring the achievements of Mrs. Louise C. Jones upon her retirement from the San Francisco Unified School District and proclaiming Thursday, February 7, 2002 as Mrs. Louise C. Jones Day.

**Resolution No.** 97-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

### Ordinances

012186 **[Regulation of Diesel Backup Generators]**
**Supervisor Maxwell**

Ordinance amending the San Francisco Health Code by adding a new Article 30 to: (1) establish a registration program within the Department of Public Health for diesel backup generators used by facilities in the City and County of San Francisco; (2) require new backup diesel generators to have air emission control technologies; (3) limit the operation of diesel backup generators during non-emergency situations; (4) establish a recordkeeping requirement for the operation of diesel backup generators; and (5) provide for an enforcement mechanism for violations of the requirements of this Ordinance.

12/10/01, ASSIGNED UNDER 30 DAY RULE to Public Health and Environment Committee, expires on 1/9/2002.

1/28/02, TRANSFERRED to Health and Human Services Committee. New Committee Structure 2/1/02.

2/4/02, ASSIGNED to Health and Human Services Committee.

2/4/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.

020188 **[Designating 300 Bartlett Street, The Carnegie Mission Branch Library as Landmark No. 234]**
**Supervisor Ammiano**

Ordinance designating 300 Bartlett Street, the Carnegie Mission Branch Library, as Landmark No. 234 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code.

2/4/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

020189 **[Supplemental Appropriation, Department of Public Works]**
**Supervisor Ammiano**

Ordinance reappropriating $500,000 from the Third Street Light Rail Project and $2,295,000 from the Taraval Street Resurfacing Project for a total of $2,795,000 to various street resurfacing projects in Districts 4 and 7, $1,295,000, and the Rivera/Santiago Street resurfacing project, $1,500,000, for the Department of Public Works for fiscal year 2001-02.

(Fiscal impact.)

2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

020190 **[Minimum Compensation Ordinance]**
**Supervisor Ammiano**

Ordinance amending Chapter 12P of the San Francisco Administrative Code by amending sections 12P.2 and 12P.3, to define and incorporate a "wages" portion of Minimum Compensation.

2/4/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 3/6/2002.

**020191** **[Supplemental Appropriation, Board of Supervisors]**
**Supervisor Daly**

Ordinance releasing the $263,000 Finance Committee Reserve for computer equipment and reappropriating the same from the Planning Department to the Board of Supervisors for an environmental review of Board of Supervisors legislation, File No. 002108, ordinance amending Part II of the San Francisco Municipal Code (Planning Code) by amending Section 124 to eliminate floor area ratio limits for residential construction in certain C-3 Zoning Districts, amending Sections 215 and 216 to increase the maximum density ratio for dwelling units and group housing allowed in certain C and M Districts, and making a determination of consistency with the priority policies of Planning Code Section 101.1(B) for fiscal year 2001-02.
2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

**020192** **[Supplemental Appropriation, Department of Human Services]**
**Supervisor Gonzalez**

Ordinance appropriating $47,000 of the General Reserve to fund Homeless Prenatal Services for the Department of Human Services for fiscal year 2001-02.
2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

**020193** **[Emergency Response Fee Amendments]**
**Supervisor Peskin**

Draft ordinance amending Articles 6 and 10a of The San Francisco Business And Tax Regulations Code by amending Sections 6.15-1, 750, 751, 753, 755 and 757, deleting Section 756, and adding Sections 752.2 and 755.1 to clarify that the Code's time for filing refund claims applies to the Emergency Response Fee; to provide for use of Emergency Response Fee revenues for operating costs of the 911 communication system; to update the findings supporting the fee; to increase the amount of the annual cap on fee payments per account, per service location to reflect inflation; to increase the fee rate for trunk line subscribers; and to eliminate the fee sunset, and amending section 10.100-67 of the San Francisco Administrative Code to allow for use of monies in the Emergency Communications 911 Emergency Response Fund for operating costs of the 911 communication system.

(Fiscal impact.)
2/4/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 3/6/2002.

**020194** **[Supplemental Appropriation, Emergency Communications Department]**
**Supervisor Peskin**

Ordinance appropriating $2,002,706 from the 911 Access Fee to provide funding for the Civilianization Plan of the Fire/EMS communications functions and offset shortfalls in salaries and overtime for the Emergency Communications Department for fiscal year 2001-02.

(Fiscal impact; Companion measure to File 020195.)
2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

020195 **[Public Employment, Emergency Communications Department]**
**Supervisor Peskin**

Ordinance amending Ordinance No. 171-01 (Annual Salary Ordinance 2001/02) reflecting the creation of two positions at the Emergency Communications Department.

(Fiscal impact.)
2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

020196 **[Carnegie Chinatown Branch Library as Landmark 235]**
**Supervisor Yee**

Ordinance Designating 1135 Powell Street, The Carnegie Chinatown Branch Library, as Landmark No. 235 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code.
2/4/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

020197 **[Establishing a Golf Fund]**
**Supervisors Hall, Daly**

Ordinance amending Chapter 10, Article XIII of the San Francisco Administrative Code by adding Section 10.100-256 thereto, establishing a San Francisco Recreation and Parks Golf Fund.
2/4/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 3/6/2002.

020198 **[Determination of Fees at Harding Park and Fleming Golf Courses]**
**Supervisors Hall, Daly**

Ordinance amending Article XII of the San Francisco Park Code by adding Section 12.12 thereto setting forth a fee structure for Harding Park and Fleming Golf Courses.
2/4/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 3/6/2002.

## Resolutions

020187 **[Commendation - Mrs. Louise C. Jones]**
**Supervisor Maxwell**

Resolution commending and honoring the achievements of Mrs. Louise C. Jones upon her retirement from the San Francisco Unified School District and proclaiming Thursday, February 7, 2002 as Mrs. Louise C. Jones Day.
2/4/02, ADOPTED.

020199 **[Healthy Families Program]**
**Supervisors Yee, Leno**

Resolution urging Governor Gray Davis to ensure funding for the expansion of the Healthy Families Program.
2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020200 **[Ground Lease of Redevelopment Agency Land for Leland Hotel]**
**Mayor, Supervisor Daly**

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 0667, Lot 003, commonly known as 1301-1327 Polk Street, to Mercy Housing California XVIII, L.P., for 55 years for the purpose of developing housing for very low and low income senior households. (Mayor)

(Fiscal impact.)
2/4/02, RECEIVED AND ASSIGNED to Board of Supervisors.
2/4/02, SCHEDULED FOR PUBLIC HEARING. Board to sit as a Committee of the Whole on February 25, 2002, at 3:00 p.m.

020201 **[PGA Tour Championship at Harding Park Golf Course]**
**Supervisor Hall**

Resolution approving and authorizing a Master Tournament Agreement with PGA Tour, Inc., for the use of Harding Park Golf Course for the PGA Tour Championship Tournament.
2/4/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

020202 **[International Bocce Games]**
**Supervisors Ammiano, Hall, Sandoval**

Resolution recognizing the important cultural resource of the 2002 International Bocce Games and congratulating Hopland, Mendocino for hosting these games, May 14th through May 18th, 2002.
2/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020203 **[Supporting SCA 7]**
**Supervisor Daly**

Resolution supporting SCA 7, the Constitutional Sunshine Amendment sponsored by the California First Amendment Coalition, the California Newspaper Publishers Association and State Senator John Burton.
2/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020204 **[Proposition 40]**
**Supervisors Gonzalez, Newsom**

Resolution supporting the passage of Proposition 40, the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002, and encouraging California voters to approve this bond act on March 5, 2002.
2/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020205 **[Urging Secretary of State to Monitor March Primary]**
**Supervisors Leno, Maxwell**

Resolution urging the California Secretary of State to monitor the March 2002 primary election in the County of San Francisco.
2/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020206 **[Supporting S.F. Summit on Homelessness]**
**Supervisor Maxwell**

Resolution supporting the San Francisco Summit on Homelessness, scheduled for March 7, 2002 and designed to discuss the Continuum of Care plan with the goal of coordinating the efforts from all community stakeholders to meet the goal of eradicating homelessness in San Francisco.
2/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020207 **[Visitacion Valley Interim Controls Extension]**
**Supervisors Maxwell, Ammiano**

Resolution extending the imposition of interim zoning controls, as modified, for an additional twelve (12) months by applying the zoning controls applicable in NC-3 districts that are contained in the Planning Code Section 712 to Assessor's Blocks 5087, 5100, and 5101 and Block 5099, Lot 14, subject to a specified exception: by requiring conditional use authorization for any non-residential use size in excess of sixty-five thousand (65,000) square feet on Assessor's Blocks 5087, 5100, and 5101 and Block 5099, Lot 14, and in the adjacent NC-3 district located on Bayshore Boulevard and bounded by Arleta Avenue on the north and the terminus of the City and County of San Francisco to the south; and adopting findings pursuant to Planning Code Section 101.1.
2/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020208 **[Grant - Port Commission]**
**Supervisor Peskin**

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of $1,500,000.00 from the California Trade and Commerce Agency for design and construction of fish processing facilities at Pier 45.
2/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020209 **[Commend - Rodel E. Rodis]**
**Supervisors Leno, Sandoval**

Resolution commending Rodel E. Rodis on his election as President of the Board of Trustees of City College of San Francisco.
2/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020210** **[Commend - Continuum]**
**Supervisor Leno**

Resolution commending Continuum for its service to low-income and homeless San Franciscans suffering from HIV/AIDS, and commending Mark Cloutier, Continuum's new Executive Director.
2/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020211** **[Budget - Board of Supervisors]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Board of Supervisors. In Fiscal Year 2001-2002, this department was appropriated $8,967,372, of which $8,887,372 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

**020212** **[Budget - Administrative Services]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Administrative Services. In Fiscal Year 2001-2002, this department was appropriated $95,021,385, of which $4,402,960 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

**020213** **[Budget - Civil Service Commission]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Civil Service Commission. In Fiscal Year 2001-2002, this department was appropriated $755,258, of which $664,728 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

**020214** **[Budget - Ethics Commission]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Ethics Commission. In Fiscal Year 2001-2002, this department was appropriated $877,740, of which $804,805 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

**020215** **[Budget - Human Resources]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Department of Human Resources. In Fiscal Year 2001-2002, this department was appropriated $67,407,269, of which $19,081,512 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

020216 **[Budget - Mayor]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Mayor. In Fiscal Year 2001-2002, this department was appropriated $76,978,134, of which $8,318,046 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

020217 **[Budget - Administrative Services-Contract Administration]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Administrative Services-Contract Administration. In Fiscal Year 2001-2002, this department was appropriated $4,918,637, of which $2,996,134 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

020218 **[Budget - Elections Department]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Elections Department. In Fiscal Year 2001-2002, this department was appropriated $8,421,722, of which $7,561,570 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

020219 **[Budget - Retirement System]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Retirement System. In Fiscal Year 2001-2002, this department was appropriated $14,230,495, of which $263,423 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

020220 **[Budget - Aging and Adult Services]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Aging and Adult Services. In Fiscal Year 2001-2002, this department was appropriated $27,760,257, of which $4,476,007 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020221 **[Budget - Children and Families Commission]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Children and Families Commission. In Fiscal Year 2001-2002, this department was appropriated $8,273,810, of which $0 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020222** **[Budget - Children, Youth & Families]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Children, Youth & Families. In Fiscal Year 2001-2002, this department was appropriated $38,587,432, of which $10,917,091 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020223** **[Budget - Child Support Services]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Child Support Services. In Fiscal Year 2001-2002, this department was appropriated $25,063,736, of which $0 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020224** **[Budget - Human Services]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Department of Human Services. In Fiscal Year 2001-2002, this department was appropriated $441,855,943, of which $126,646,379 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020225** **[Budget - Environment]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Department of Environment. In Fiscal Year 2001-2002, this department was appropriated $1,831,488, of which $737,582 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020226** **[Budget - Human Rights Commission]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Human Rights Commission. In Fiscal Year 2001-2002, this department was appropriated $4,486,706, of which $1,876,109 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020227** **[Budget - Rent Arbitration Board]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Rent Arbitration Board. In Fiscal Year 2001-2002, this department was appropriated $3,055,286, of which $0 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020228 **[Budget - Status of Women]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Commission on Status of Women. In Fiscal Year 2001-2002, this department was appropriated $2,871,507, of which $2,569,228 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020229 **[Budget - Community Health Network]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Community Health Network. In Fiscal Year 2001-2002, this department was appropriated $605,291,391, of which $196,419,750 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020230 **[Budget - Public Health]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Department of Public Health. In Fiscal Year 2001-2002, this department was appropriated $376,834,381, of which $110,004,094 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020231 **[Budget - County Education Office]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for County Education Office. In Fiscal Year 2001-2002, this department was appropriated $65,932, of which $65,932 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020232 **[Budget - Administrative Services-Consumer Assurance]**
**Supervisor Daly**

Hearing to discuss Fiscal Year 2002-2003 budget for Administrative Services-Consumer Assurance. In Fiscal Year 2001-2002, this department was appropriated $1,872,054, of which $611,115 came from the City's General Fund.
2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020233 **[City Carshare Program]**
**Supervisor Leno**

Hearing to consider the implementation of San Francisco's City Carshare program after one year of service to the community.
2/4/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020234** **[Rent Arrears]**
**Supervisor McGoldrick**

Hearing on the prevalence of rent arrears among commercial tenants of City properties, the effect of such arrears on revenues owed the City and the adequacy of tracking and enforcement mechanisms to collect such rents.

2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

**020235** **[Antennae Transmissions from NBC Affiliates]**
**Supervisor McGoldrick**

Hearing on the difficulties of City residents in receiving antennae transmissions from NBC affiliates, thereby creating a hole in local NBC television reception, particularly in the Richmond District. This hearing would also explore the options available to the City to help resolve the gaps in television reception following the divorcement of NBC from local television station KRON.

2/4/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020236** **[Hearing - Ground Lease of Redevelopment Agency Land for Leland Hotel]**

Hearing of persons interested in or objecting to proposed resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 0667, Lot 003, commonly known as 1301-1327 Polk Street, to Mercy Housing California XVIII, L.P., for 55 years for the purpose of developing housing for very low and low income senior households. (Clerk of the Board)

2/4/02, SCHEDULED FOR PUBLIC HEARING. Board to sit as a Committee of the Whole February 25, 2002, at 3:00 p.m.

## Introduced by the President at the Request of Departments

# PROPOSED ORDINANCES

**020126** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Laura Williams against the City and County of San Francisco for $37,500.00; the lawsuit was filed on July 11, 2000 in San Francisco Superior Court, Case No. 313-526; entitled Williams, et al., v. City and County of San Francisco, et al; other material terms of said settlement are BART will also contribute $37,500.00. (City Attorney)

1/30/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020133** **[Funding to improve services of the Street Construction Coordination Center]**

Ordinance appropriating $70,672 from Excavation Fees to increase services of the Street Construction Coordination Center for the Public Works Department for fiscal year 2001-02. (Public Works Department)

(Companion measure to Files 20051 and 020134.

1/30/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests that Files 020051, 020133, and 020134 be scheduled for consideration on the same date.

2/1/02, SUBSTITUTED. Substituted by Department of Public Works 2/1/02, bearing new title.

2/1/02, ASSIGNED to Finance Committee.

020134 **[Public Employment]**

Ordinance amending Ordinance No. 171-01 (Annual Salary Ordinance 2001/02) reflecting the creation of three positions at the Department of Public Works. (Human Resources Department)

2/4/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests that Files 020051, 020133, and 020134 be scheduled for consideration on the same date.

2/4/02, SUBSTITUTED. Substituted by Department of Human Resources 2/4/02, bearing new title.

2/4/02, ASSIGNED to Finance Committee.

## PROPOSED RESOLUTIONS

020124 **[Balboa Teen Health Center services to participants and staff of the YMCA OMI/Excelsior Neighborhood Beacon Center]**

**Supervisors Sandoval, Hall, Newsom**

Resolution authorizing the San Francisco Department of Public Health, Community Health Network, Balboa Teen Health Center (BTHC) to enter retroactively into an agreement in the amount of $19,304 with the Urban Services YMCA OMI/Excelsior Neighborhood Beacon Center (YMCA) to provide services to Beacon Center participants and staff; for the period of July 1, 2001 to June 30, 2002. (Public Health Department)

1/23/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020127 **[Grant for Sheriff's Department program providing a family literacy program for women prisoners in the county jail]**

Resolution authorizing the Sheriffs Department to accept and expend a grant in the amount of $33,000 from the Zellerbach Family Fund for providing a family literacy program for women prisoners in the county jail. (Sheriff)

1/29/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

020128 **[Grant for Sheriff's Department program providing a mentoring component to augment the life skills program for violent offenders]**

Resolution authorizing the Sheriffs Department: to accept and expend a grant in the amount of $110,000 from the U.S. Department of Education for providing a mentoring program to violent offenders. (Sheriff)

1/29/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

020130 **[Grant - Landscape Management Outreach Partnership]**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $16,250 from the California Integrated Waste Management Board for a compost tea demonstration project and seminars on resource efficient landscaping for the Recreation and Park Department. (Environment)

1/30/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020131 **[Airport Purchase of Explosive Detection Baggage Inspection Machines for the New International Terminal - $19,300,000]**

Resolution approving the sole source purchase order agreement for 11 explosive detection baggage inspection machines for the new International Terminal between InVision Technologies, Inc. and the City and County of San Francisco, acting by and through its Purchasing Department and its Airport Commission. (Airport Commission)

(Fiscal impact.)

1/30/02, RECEIVED AND ASSIGNED to Finance Committee.

**020132** **[Research study to evaluate the effectiveness of different approaches for reducing the transmission risk behaviors of HIV-infected patients]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $241,549 with The Regents of the University of California San Francisco (UCSF), the primary contractor, for a collaborative study of prevention for HIV-positive persons under the first year of an award from the DHHS Centers for Disease Control and Prevention (CDC); for the period of September 30, 2001 to September 29, 2002. (Public Health Department)

1/30/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

## Requests Granted

*From: Supervisor Ammiano*
*To: General Manager, Public Utilities Commission*
*To: Director, Department of Human Resources*
*To: Controller*
*Requesting/Inquiring: That the General Manager of Public Utilities Commission, Director of Department of Human Resources and the Controller submit the following information:*
*1. Current Public Utilities Commission hiring plans for capital improvement program management positions, including a list of proposed classifications;*
*2. Proposed plans to accelerate hiring for these positions, including, where necessary, testing and competitive hiring for positions (including at-will positions) and/or development of new classifications; and*
*3. A review of best practices in other jurisdictions for accelerated hiring, ratio of in-house staff to contract positions and oversight of consultant contracts for public works projects of this type and scale.*

*From: Supervisor Ammiano*
*To: Controller*
*To: General Manager, Public Utilities Commission*
*Requesting/Inquiring: Requesting the Controller and General Manager of the Public Utilities Commission submit proposals to mitigate and/or eliminate interest that must be borne by San Francisco ratepayers alone for projects that also benefit other Bay Area water users, due to the fact that suburban water users can only be charged for projects once they are in use. Such proposals should include a review of the option to enter into joint-powers agreements for the joint issuance of debt and joint management and scheduling of shared capital projects.*

*From: Supervisor Ammiano*
*To: Chancellor, City College of San Francisco*
*Requesting/Inquiring: Urging City College to initiate discussions with IBEW Local 6, IBEW Local 1245, the San Francisco Building Trades Council and the San Francisco Public Utilities Commission regarding development and expansion of apprenticeship programs for solar installers to meet expected local demand for this type of work.*

*From: Supervisor Ammiano*
*To: Controller*
*To: Director, Administrative Services*
*Requesting/Inquiring: That the Controller and the Director of Administrative Services submit information on the best practices for management of the City's fleet, including establishment of vehicle pools, potential use of non-profit car-sharing services, City employee use of vehicles and a lease-back program wherein Departments lease vehicles from a centralized fleet and lease payments include maintenance costs and depreciation.*

*From: Supervisor Ammiano*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation establishing Centralized Fleet Management for City Vehicles by the Department of Administrative Services.*

*From: Supervisor Ammiano*
*To: City Attorney*
*Requesting/Inquiring: To draft a Charter amendment for voter consideration to allow the Board of Supervisors to issue revenue bond financing by a 2/3 vote, subject to referendum for issues exceeding $100,000,000 for capital improvement projects required to protect the City's water and sewer infrastructure in the event of a major earthquake. Such projects must: 1) be part of an approved long-term capital improvement program, 2) have complete preliminary engineering and conceptual design, and 3) be approved by the Public Utilities Commission.*

*From: Supervisor Daly*
*To: Treasurer/Tax Collector*
*Requesting/Inquiring: To advise what steps would need to be taken to guarantee earlier intervention for owners of properties that are owner-occupied and at risk of default and public auction due to delinquent taxes.*

*From: Supervisor Leno*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation which would amend Articles 33 and 38 of the Police Code to prohibit discrimination in business contracting and discrimination against employees contracted to work with a company but who are legally hired by another company.*

*From: Supervisor McGoldrick*
*To: All City Departments*
*Requesting/Inquiring: That all City departments provide a list of tenants of City properties that are in arrears in payment of rent and the amounts of such arrears. Responses to this inquiry should be addressed both to Supervisor McGoldrick and to Budget Analyst Harvey Rose.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Mrs. Morakh Simonian Tadjarian (Supervisor Newsom)*
*Mr. Leo Garcia (Supervisors Ammiano, Sandoval)*
*Ms. Rose Descilo (Supervisor Sandoval)*
*Mrs. Eva Bercut (Supervisor Peskin)*
*Mr. Leonard Martin (Supervisor Peskin)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 3:53 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on* March 18, 2002

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited*

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT
JUL 29 2002
SAN FRANCISCO
PUBLIC LIBRARY

**Monday, February 11, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular meeting**

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*TOM AMMIANO, PRESIDENT*
*CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,*
*SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,*
*AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE*
*Gloria L. Young, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd. 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Maxwell | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 6

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Newsom, Leno, Maxwell, McGoldrick - 4.*

*Quorum present.*

*Supervisors Newsom, Leno, Maxwell, McGoldrick were noted present at 2:03 p.m.*

## APPROVAL OF MEETING MINUTES

*Motion to approve the January 7, 2002, Meeting Minutes.*

**Supervisor Sandoval, seconded by Supervisor Yee, moved to approve the January 7, 2002 Meeting Minutes. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*No items were indicated.*

## COMMUNICATIONS

## CONSENT AGENDA

## Recommendation of the Housing, Transportation and Land Use Committee

**020002** **[Changing the designation of 572 Folsom Street from a Category V Building to a Category III building]**
**Supervisor Peskin**

Ordinance changing the designation of 572 Folsom Street from Category V (Unrated) to Category III (Contributory) pursuant to Article 11 of the Planning Code. (Planning Department)

**Ordinance No.** 22-02
**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# REGULAR AGENDA

# UNFINISHED BUSINESS

## (Only one of the following two motions should be adopted.)

**020009** **[Minor Sidewalk Encroachment Permit Appeal]**
Motion disapproving the decision of the Department of Public Works' denial of a Minor Sidewalk Encroachment Permit for 1259 Dolores Street and granting an Encroachment Permit. (Clerk of the Board)

**Supervisor Leno, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020010** **[Minor Sidewalk Encroachment Permit Appeal]**
Motion affirming the decision of the Department of Public Works' denial of a Minor Sidewalk Encroachment Permit for 1259 Dolores Street and denying an Encroachment Permit. (Clerk of the Board)

**Supervisor Leno, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendation of the Economic Vitality, Small Business and Social Policy Committee

**012187 [Consular Identification Cards]**
**Supervisors Sandoval, Gonzalez, Leno, Daly, Ammiano, McGoldrick, Peskin, Yee, Maxwell, Newsom**

Ordinance amending the San Francisco Administrative Code by adding Chapter 95, encompassing Section 95.1, to require City departments to accept identification cards issued to foreign citizens or nationals if the issuing country authorizes the use of the card as a passport for re-entry into the issuing country, the card has a photograph of the person and date of birth, and the process for issuing the card meets standards established by the Director of Administrative Services to ensure accurate identification of the person and to discourage fraudulent documents.

**Ordinance No.** 21-02
**FINALLY PASSED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## From Health and Human Services Committee

**020153 [Amendment to Rent Ordinance]**
**Supervisors Ammiano, Daly**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by changing Section 37.9 to add 12 months to the original six-month period during which landlords are prohibited from evicting tenants for non-payment of that portion of rent attributable to capital improvement cost passthrough petitions decided at the Rent Board after April 10, 2000, pursuant to capital improvement petitions filed prior to August 10, 2001 (so that the prohibition period for such evictions is now extended from February 10, 2002 to February 10, 2003); by prohibiting landlords from imposing late fees on tenants for such non-payment of capital improvement costs; and with Findings in support.

**Ordinance No.** 23-02
**FINALLY PASSED by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 2 - Hall, Newsom

# NEW BUSINESS

## Recommendation of the Finance Committee

**012236 [Appropriation - District Attorney]**
**Mayor**

Ordinance appropriating, retroactively, $259,257 from the General Fund Reserve to provide funding for the court ordered change of venue for the case of People of State of California v. Knoller, et al. for the District Attorney for fiscal year 2001-02. (Mayor)

(Fiscal impact.)

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## ROLL CALL FOR INTRODUCTIONS

## PUBLIC COMMENT

*Abdalla Megahed, homelessness;*
*Vernon Jenkins, homelessness;*
*Shirley Pound; homelessness;*
*Mr. Walker; homlessness;*
*Ernestine Weiss, housing;*
*Amos Brown; homelessness;*
*male speaker, homelessness;*
*Casey Mareno, homelessness;*
*male speaker, parking tickets;*
*Leslie Cash, homelessness;*
*Jack Herman, homelessness and housing;*
*female speaker, homelessness;*
*John Delano, homelessness;*
*female speaker, social services and juvenile foster care;*
*Calvin Power, homelessness;*
*Mr. Dreamer, homelessness.*

## APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

**020174** **[Legislative Analyst Request]**
**Supervisors Daly, Hall**

Motion asking the Legislative Analyst to determine the size of the City's car fleet by City department and a review of policies on who can use these vehicles.

**APPROVED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

## Items 10 through 21

020202 **[International Bocce Games]**
**Supervisors Ammiano, Hall, Sandoval**

Resolution recognizing the important cultural resource of the 2002 International Bocce Games and congratulating Hopland, Mendocino for hosting these games, May 14th through May 18th, 2002.

**Resolution No.** 99-02
**ADOPTED**

020206 **[Supporting S.F. Summit on Homelessness]**
**Supervisor Maxwell**

Resolution supporting the San Francisco Summit on Homelessness, scheduled for March 7, 2002 and designed to discuss the Continuum of Care plan with the goal of coordinating the efforts from all community stakeholders to meet the goal of eradicating homelessness in San Francisco.

**Resolution No.** 100-02
**ADOPTED**

020207 **[Visitacion Valley Interim Controls Extension]**
**Supervisors Maxwell, Ammiano**

Resolution extending the imposition of interim zoning controls, as modified, for an additional twelve (12) months by applying the zoning controls applicable in NC-3 districts that are contained in the Planning Code Section 712 to Assessor's Blocks 5087, 5100, and 5101 and Block 5099, Lot 14, subject to a specified exception: by requiring conditional use authorization for any non-residential use size in excess of sixty-five thousand (65,000) square feet on Assessor's Blocks 5087, 5100, and 5101 and Block 5099, Lot 14, and in the adjacent NC-3 district located on Bayshore Boulevard and bounded by Arleta Avenue on the north and the terminus of the City and County of San Francisco to the south; and adopting findings pursuant to Planning Code Section 101.1.

**Resolution No.** 101-02
**ADOPTED**

020208 **[Grant - Port Commission]**
**Supervisor Peskin**

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of $1,500,000.00 from the California Trade and Commerce Agency for design and construction of fish processing facilities at Pier 45.

**Resolution No.** 102-02
**ADOPTED**

**020209** **[Commend - Rodel E. Rodis]**
**Supervisors Leno, Sandoval**

Resolution commending Rodel E. Rodis on his election as President of the Board of Trustees of City College of San Francisco.

**Resolution No.** 103-02
**ADOPTED**

**020210** **[Commend - Continuum]**
**Supervisor Leno**

Resolution commending Continuum for its service to low-income and homeless San Franciscans suffering from HIV/AIDS, and commending Mark Cloutier, Continuum's new Executive Director.

**Resolution No.** 104-02
**ADOPTED**

**020141** **[Final Map for a 15 Unit Live/Work Condominium Project]**
Motion approving Final Map of 250 Clara Street, a Live/Work Condominium Project, being a subdivision of Lot 206, Assessor's Block No. 3753, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,370; District 6.)

**Motion No.** M02-28
**APPROVED**

**020142** **[Final Map for a 16 Unit Live/Work Condominium Project]**
Motion approving Final Map of 73 Sumner Street, a Live/Work Condominium Project, being a subdivision of Lot 157, Assessor's Block No. 3730, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,369; District 6.)

**Motion No.** M02-29
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Severed From Adoption Without Committee Reference

**020164** **[Supporting AB 1753, Vehicle License Fee]**
**Supervisors McGoldrick, Daly**

Resolution supporting AB 1753 (Migden), which would restore the State Vehicle License Fee.

*Supervisor Hall requested this matter be severed so it could be considered separately.*

**Resolution No.** 98-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Hall

**020203** **[Supporting SCA 7]**
**Supervisor Daly**

Resolution supporting SCA 7, the Constitutional Sunshine Amendment sponsored by the California First Amendment Coalition, the California Newspaper Publishers Association and State Senator John Burton.

*Supervisor Daly requested this matter be severed so it could be considered separately.*

**TABLED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020204** **[Proposition 40]**
**Supervisors Gonzalez, Newsom**

Resolution supporting the passage of Proposition 40, the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002, and encouraging California voters to approve this bond act on March 5, 2002.

*Supervisor Gonzalez requested this matter be severed so it could be considered separately.*

**TABLED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020205** **[Urging Secretary of State to Monitor March Primary]**
**Supervisors Leno, Maxwell**

Resolution urging the California Secretary of State to monitor the March 2002 primary election in the County of San Francisco.

*Supervisor Daly requested this matter be severed so it could be considered separately.*

**REFERRED to the Rules and Audits Committee.**

## IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Leno, seconded by Supervisor Sandoval, moved. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Leno, seconded by Supervisor Sandoval, moved Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Imperative Agenda

**020257 [Commending Car Share]**
**Supervisors Leno, McGoldrick, Maxwell, Gonzalez, Sandoval**

Resolution commending City Car Share on its successful first year of service in San Francisco.

**Resolution No.** 105-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020258 [Proclaiming Libby and Robert Denebeim Day in San Francisco]**
**Supervisor Leno**

Resolution proclaiming February 17, 2002 "Libby and Robert Denebeim Day" in the City and County of San Francisco in honor of their 50th Wedding Anniversary and their lifelong service to all the communities of the City and County of San Francisco.

**Resolution No.** 106-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**020191 [Supplemental Appropriation, Board of Supervisors]**
**Supervisor Daly**

Ordinance releasing Finance Committee reserves in the Planning Department for computer equipment, $263,000, and $500,000 for the Transbay Terminal Study, and reappropriating a total of $500,000 from the Planning Department to the Board of Supervisors: $263,000 for an environmental review of Board of Supervisors legislation, File No. 002108, ordinance amending Part II of the San Francisco Municipal Code (Planning Code) by amending Section 124 to eliminate floor area ratio limits for residential construction in certain C-3 Zoning Districts, amending Sections 215 and 216 to increase the maximum density ratio for dwelling units and group housing allowed in certain C and M Districts, and making a determination of consistency with the priority policies of Planning Code Section 101.1(B), and $237,000 for the Transbay Joint Powers Authority for fiscal year 2001-02.

(Fiscal impact.)

2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

2/11/02, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.

2/11/02, ASSIGNED to Finance Committee.

**020261 [Advertising of bail bond agents]**
**Supervisor Gonzalez**

Ordinance adding Section 710 to the San Francisco Police Code to require that advertising for bail bond agents posted in San Francisco jails indicate whether the agent maintains an office in San Francisco, requiring that the advertising agent be licensed by the Department of Insurance, and requiring that the advertising agent operating under a fictitious business name has on file a fictitious business name statement.

2/11/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 3/13/2002.

**020262 [Designating Municipal Railway Car No. 1 as Landmark No. 230]**
**Supervisor Newsom**

Ordinance designating the Municipal Railway Car Number 1 as Landmark No. 230 pursuant to Article 10 of the Planning Code.

2/11/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020263 [PAES-In kind Assistance]**
**Supervisor Newsom**

Ordinance amending Administrative Code Sec. 20.76 to reflect the current stipend amount and to provide in-kind shelter and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.76.3 to value shelter and meals to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.94 to establish a baseline PAES budget; adding Administrative Code Sec. 20.95 to provide for an independent evaluation; adding Administrative Code Sec. 20.96 to provide that these amendments will sunset in two years; and adding Administrative Code Sec. 20.97 to establish an operative date for these amendments of on or before January 1, 2003.

2/11/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 3/13/2002.

**020264 [Interim Reduction of $25 in the Maximum Gate Fee for Taxi Drivers]**
**Supervisor Ammiano**

Ordinance amending Police Code Section 1135.1 to lower by $25 per shift the cap on gate fees charged taxi drivers, and providing that this reduction in the cap on gate fees shall expire after two consecutive full quarters of economic growth in the Bay Area.

2/11/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020265 [General Assistance - In Kind Assistance]**
**Supervisor Newsom**

Ordinance amending Administrative Code Sec. 20.59.3 to provide in-kind shelter and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value shelter and meals to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to provide for an independent evaluation; adding Administrative Code Sec. 20.60.14 to provide that these amendments will sunset in two years, adding Administrative Code Sec. 20.60.15 to establish an operative date for these amendments of on or before January 1, 2003.

2/11/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 3/13/2002.

**020266 [CALM - In Kind Assistance]**
**Supervisor Newsom**

Ordinance amending Administrative Code Sec. 20.106 to reflect the current grant amount and to provide in-kind shelter and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.106.3 to value shelter and meals to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.125 to establish a baseline CALM budget; adding Administrative Code Sec. 20.126 to provide for an independent evaluation; adding Administrative Code Sec. 20.127 to provide that these amendments will sunset in two years. and adding Administrative Code Sec. 20.128 to establish an operative date for these amendments of on or before January 1, 2003.

2/11/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 3/13/2002.

**020267 [SSIP - In Kind Assistance]**
**Supervisor Newsom**

Ordinance amending Administrative Code Sec. 20.206 to reflect current grant amounts and to provide in-kind shelter and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.206.3 to value shelter and meals to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.226 to establish a baseline SSIP budget; adding Administrative Code Sec. 20.227 to provide for an independent evaluation; adding Administrative Code Sec. 20.228 to provide that these amendments will sunset in two years; and adding Administrative Code Sec. 20.229 to establish an operative date for these amendments of on or before January 1, 2003.

2/11/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 3/13/2002.

**020268 [Requiring the Airport Commission to submit settlements and claims related to construction contracts in excess of $100,000 to the Board of Supervisors for approval]**
**Supervisor Sandoval**

Ordinance amending Administrative Code Sections 10.25-10 and 10.25-11 to eliminate the exemption from Board of Supervisors approval for settlements of construction contracts under the jurisdiction of the Airport Commission, and making such settlements in excess of $100,000 subject to approval by the Board of Supervisors.

2/11/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 3/13/2002.

## Resolutions

**020253 [Commend - San Francisco Unified School District]**
**Supervisors Daly, Peskin**

Resolution commending the San Francisco Unified School District, particularly School Board President Jill Wynns, Buildings Committee Chair Emilio Cruz, Superintendent Arlene Ackerman and Operations Director Tony Irons, for their hard work and tremendous commitment to the children of the South of Market community in rebuilding Bessie Carmichael.

2/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020269 [Lake Merced Water Level Management]**
**Supervisors Hall, Sandoval, Peskin, Newsom, Maxwell**

Resolution authorizing the San Francisco Public Utilities Commission to apply, accept, and expend local assistance funds for a water level management program for Lake Merced.

2/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020270 [Treasure Island Development Authority]**
**Supervisors Leno, Peskin, Daly**

Resolution urging Treasure Island Development Authority (TIDA) to include specific sustainable development standards and requirements in its Request for Proposals (RFP) to develop Treasure Island and Yerba Buena Island.
2/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020271 [Drug Enforcement Agency]**
**Supervisor Leno**

Resolution urging the Drug Enforcement Agency to drop its rule banning any products made with tetrahydrocannabinol, which includes hemp.
2/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020272 [Commend - Chris Cunnie]**
**Supervisors Daly, Leno, Peskin, Newsom**

Resolution commending Chris Cunnie on the occasion of his re-election as President of the San Francisco Police Officers' Association.
2/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020273 [Commend - San Francisco Gay Men's Chorus]**
**Supervisors Leno, Newsom**

Resolution commending the San Francisco Gay Men's Chorus on its annual "Giving Back" benefit concert, this year in honor and support of Bay Area youth.
2/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020274 [Commend - Bob Jacklevich]**
**Supervisors Maxwell, Newsom**

Resolution commending Bob Jacklevich for his commitment and dedication to public service and safeguarding the community from disasters through the Neighborhood Emergency Response Team (NERT) program.
2/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020275 [Commend - San Francisco Bay View Newspaper]**
**Supervisors Maxwell, Leno, Peskin, Newsom, Daly**

Resolution recognizing the important role neighborhood papers play in our community and commending the San Francisco Bay View Newspaper on their 10 years of servicing the Bay View Hunters Point Community.
2/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020276 **[Commend - Black History Month]**
**Supervisor Maxwell**

Resolution commending the recognition of Black History Month.
2/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020286 **[State grant for renovation of Harding Park and Fleming Golf Courses]**
**Supervisors Hall, Daly**

Resolution authorizing the City and County of San Francisco to accept and expend State grant funds under the Per Capita Grant Program, in the amount of $8,111,000, and under the Roberti-Z'berg-Harris Urban Open Space and Recreation Program Block Grant, in the amount of $5,016,627, from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such action is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.
2/11/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

## Requests for Hearing

020277 **[Sunshine Ordinance Task Force Annual Report]**
**Supervisor Hall**

Hearing regarding presentation from the Sunshine Ordinance Task Force on their December 2001 report to the Board of Supervisors.
2/11/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020278 **[Mayor's Executive Order Related to Married Couples]**
**Supervisor Leno**

Hearing to consider the implementation of Mayor Willie Brown's Executive Order to require all City Departments to have all policies related to married couples be expanded to include equal policies for domestic partners.
2/11/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020279 **[Establishing Herb Caen Day]**
**Supervisor McGoldrick**

Hearing establishing a Herb Caen Day annually in San Francisco.
2/11/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020280 **[2002-03 Budget of the Community Mental Health and Substance Abuse Services]**
**Supervisor McGoldrick**

Hearing on the 2002-03 budget of the Community Mental Health and Substance Abuse Services programs of the Department of Public Health.
2/11/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020281 [2001-02 Budget of the Planning Department]**
**Supervisor McGoldrick**

Hearing on the 2001-02 budget of the Planning Department, including an explanation of how the department's budget conforms to the requirements of Section 9.114 of the Charter of the City and County of San Francisco which mandates the establishment of a mission-driven budget process. The hearing will: (1) consider what are the underlying policy objectives of the Planning Department realized within the department's funding priorities; (2) consider service outcomes desired by the various clients and stakeholders of the department, performance and productivity measures that gauge the efficiency and effectiveness of the department in meeting their stated missions, the processes used by the department to analyze efficiency and effectiveness, and the processes used to arrive at the proposed budget submitted to the Board of Supervisors.

2/11/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee. Sponsor requests this item be considered at the March 28, 2002 meeting.

**020282 [2001-02 Budget of the Redevelopment Agency]**
**Supervisor McGoldrick**

Hearing on the 2001-02 budget of the San Francisco Redevelopment Agency, including an explanation of how the department's budget conforms to the requirements of Section 9.114 of the Charter of the City and County of San Francisco which mandates the establishment of a mission-driven budget process. The hearing will: (1) consider what are the underlying policy objectives of the Redevelopment Agency realized within the agency's funding priorities; (2) consider service outcomes desired by the various clients and stakeholders of the department, performance and productivity measures that gauge the efficiency and effectiveness of the department in meeting their stated missions, the processes used by the department to analyze efficiency and effectiveness, and the processes used to arrive at the proposed budget submitted to the Board of Supervisors.

2/11/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee. Sponsor requests this item be considered at the March 14, 2002 meeting.

**020283 [Fire Department Audit]**
**Supervisor Peskin**

Hearing to review the findings and recommendations contained in the recently released Fire Department audit submitted by the Budget Analyst's Office.

2/11/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020284 [Controller's Six-Month Report, City's Financial Health]**
**Supervisor Peskin**

Hearing to examine the Controller's six-month report detailing the City's current financial health.

2/11/02, RECEIVED AND ASSIGNED to Finance Committee.

## Motions

020259 **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

2/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020285 **[Waiver permitting employees of Administrative Services to provide information Technology Assistance to the Department of Elections]**
**Supervisor Ammiano**

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit employees of the Department of Administrative Services to provide information technology assistance to the Department of Elections on March 5, 2002.

2/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Introduced by the President at the Request of Departments

## PROPOSED ORDINANCES

020133 **[Funding to improve services of the Street Construction Coordination Center]**
**Supervisors Peskin, Maxwell**

Ordinance appropriating $66,255 from Excavation Fees to increase services of the Street Construction Coordination Center for the Public Works Department for fiscal year 2001-02. (Public Works Department)

(Companion measure to Files 20051 and 020134.)

1/30/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests that Files 020051, 020133, and 020134 be scheduled for consideration on the same date.

2/1/02, SUBSTITUTED. Substituted by Department of Public Works 2/1/02, bearing new title.

2/1/02, ASSIGNED to Finance Committee.

020134 **[Public Employment]**

Ordinance amending Ordinance No. 171-01 (Annual Salary Ordinance 2001/02) reflecting the creation of four positions at the Department of Public Works. (Human Resources Department)

(Fiscal impact.)

2/4/02, SUBSTITUTED. Substituted by Department of Human Resources 2/4/02, bearing new title.

2/4/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests that Files 020051, 020133, and 020134 be scheduled for consideration on the same date.

2/4/02, ASSIGNED to Finance Committee.

**020137** **[Funding the Sheriff's Department's shortfalls in salary, overtime, and retirement payoffs]**

Ordinance appropriating $1,896,196 from the General Fund Reserve, $2,793,734 from Federal funding for housing prisoners, and reappropriating $300,000 from savings in natural gas for a total of $4,989,930 to cover shortfalls in salaries, overtime and retirement payoffs at the Sheriff's Department for fiscal year 2001-02. (Sheriff)

(Fiscal impact.)

2/4/02, RECEIVED AND ASSIGNED to Finance Committee.

**020139** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by El Paso Energy Marketing Co. against the City and County of San Francisco for $67,999.00; the lawsuit was filed on February 6, 2001 in San Francisco Superior Court, Case No. 318-666; entitled El Paso Energy Marketing Co. v. City and County of San Francisco. (City Attorney)

2/5/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

## PROPOSED RESOLUTIONS

**020136** **[Accept-Expend Federal/State Pass Through Grant]**

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $10,000 from the California State Library's Partnerships for Change Program as part of the Federal Library Services Act (LSTA) for increasing the size of the Asian language collection and the number of Asian interest and Asian language programs at the Sunset Branch Library. (Public Library)

2/1/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**020138** **[Mental health services provided to high risk children ages 0 to 5 years and their families in San Francisco]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept retroactively and expend $50,000 for the first year of a two year grant from the California Department of Mental Health (CDMH) to expand the number of mental health assessments and other mental health services to children ages 0-5 years and their families; for the period of July 1, 2001 to June 30, 2002. (Public Health Department)

2/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020144** **[Establishing Trial Rates for City Owned Garages and Metered Parking Lots]**

Resolution approving trial rates as proposed permanent parking rates, with adjustments, for the Civic Center Garage, the Ellis O'Farrell Garage, the 16th & Hoff Street Garage, the 324-8th Avenue Parking Lot (at 8th and Clement), the 330-9th Avenue Parking Lot (at 9th and Clement) and the 421-18th Avenue Parking Lot (at 18th and Geary) and the Performing Arts Garage. (Parking and Traffic Department)

2/6/02, RECEIVED AND ASSIGNED to Finance Committee.

## Requests Granted

*From: Supervisor Yee*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation regarding the Rent Control Ordinance (Administrative Code Chapter 37) and related Rent Board Rules and Regulations to ensure equal and equitable access to translation services for both landlords and tenants in mediation and arbitration proceedings.*

*From: Supervisor Peskin*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation to provide strengthened oversight of contracts entered into between City departments and private contractors. Specifically, this legislation would require the Controller, before releasing funds for a departmental contract, to review such contracts in order to ensure these contracts meet a range of criteria, including that the contract is not being entered into on a serialized basis.*

*From: Supervisor Hall*
*To: Director, Department of Public Works*
*Requesting/Inquiring: To submit information about the February 6, 2002 Condominium Conversion Lottery.*
*1. How many people participated in the condominium conversion lottery on February 6, 2002?*
*2. How many people applied for the first time, second time, third time, fourth time, etc?*
*3. Please provide any other statistics available.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Sam Deitsch (Supervisor Peskin)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 4:28 p.m. adjourned.* April 8, 2002

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited*

Gloria L. Young

Gloria L. Young
Clerk of the Board

/02

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.
JUL 29 2002
SAN FRANCISCO
PUBLIC LIBRARY

**Tuesday, February 19, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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***TOM AMMIANO, PRESIDENT***
***CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,***
***SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,***
***AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE***
***Gloria L. Young, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Maxwell | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

**Volume 97 Number 7**

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Leno, Maxwell, Sandoval, Yee - 4.*

*Quorum present.*

*Supervisor Yee was noted present at 2:01p.m.*

*Supervisor Leno was noted present at 2:02 p.m.*

*Supervisor Maxwell was noted present at 2:03 p.m.*

*Supervisor Sandoval was noted present at 2:06 p.m.*

## AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*No items were indicated.*

### Introduction of Guest

*Supervisor Peskin introduced, welcomed and presented a proclamation to Gene Wright, a San Francisco artist and photographer.*

## COMMUNICATIONS

## CONSENT AGENDA

### Recommendation of the Finance Committee

**020077** **[Lease of Real Property]**

Resolution authorizing extension of a lease of real property at 617-623 Mission/101 New Montgomery Streets for the Department of Child Support Services. (Real Estate Department)

**Resolution No.** 112-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Finance Committee

**012236** **[Appropriation - District Attorney]**

**Mayor**

Ordinance appropriating, retroactively, $259,257 from the General Fund Reserve to provide funding for the court ordered change of venue for the case of People of State of California v. Knoller, et al. for the District Attorney for fiscal year 2001-02. (Mayor)

(Fiscal impact.)

**Ordinance No.** 24-02

**FINALLY PASSED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## NEW BUSINESS

### Recommendations of the Finance Committee

**012282** **[2002 Water Revenue Bonds Issuance]**

Resolution approving the issuance of not to exceed $164,000,000 aggregate principal amount of San Francisco water revenue bonds to be issued by the Public Utilities Commission of the City and County of San Francisco; affirming covenants contained in the indenture pursuant to which the water revenue bonds are issued; and authorizing the taking of appropriate actions in connection therewith; and related matters. (Public Utilities Commission)

(Fiscal impact.)

**Resolution No.** 111-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020093** **[Airport Revenue Bonds]**

Resolution approving a form of Letter of Credit and Reimbursement Agreement relating to the Airport Subordinate Commercial Paper Notes; approving the issuance of up to $400,000,000 additional aggregate principal amount of San Francisco International Airport Second Series Revenue Refunding Bonds for the purpose of refinancing 1991 Resolution Bonds and Subordinate Bonds of the Airport Commission; approving the time for sale of Refunding Bonds as ending March 31, 2006; approving a final maturity date of Refunding Bonds of not later than May 1, 2040; and approving certain amendments to the 1991 Master Resolution and the 1997 Master Subordinate Resolution in connection therewith. (Airport Commission)

**Resolution No.** 113-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## From Finance Committee "Without Recommendation"

**012137** **[General Advertising Signs - Interim Control]**

**Supervisor Peskin**

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for general advertising signs, as defined in Planning Code Section 602.7, in the City and County of San Francisco until the date that the election results for the March 5, 2002 Consolidated Primary Election are certified, and making findings of consistency with the priority policies of Planning Code Section 101.1.

**Resolution No.** 109-02

**ADOPTED by the following vote:**

Ayes: 8 - Ammiano, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 3 - Daly, Hall, Yee

**012138** **[General Advertising Sign Interim Order]**
**Supervisor Peskin**

Resolution imposing an order establishing a requirement for conditional use authorization for permits for general advertising signs, as defined in San Francisco Planning Code Section 602.7, in the City and County of San Francisco, while the Board of Supervisors considers adoption of interim zoning controls governing such general advertising signs; and making a finding of consistency with the priority policies of Planning Code Section 101.1.

**Resolution No.** 110-02

**ADOPTED by the following vote:**
Ayes: 8 - Ammiano, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 3 - Daly, Hall, Yee

## ROLL CALL FOR INTRODUCTIONS

## PUBLIC COMMENT

*Abdalla Megahed, homelessness;*
*Vernon Jenkins, spending money outside San Francisco;*
*male speaker, skateboard park;*
*Miguel Morales, need for restrooms on Cesar Chavez Street;*
*male speaker, need for restrooms on Cesar Chavez Street;*
*Ernest Rengar, need for restrooms on Cesar Chavez Street;*
*Teo Gonzalez, Redevelopment Agency;*
*Christine Else, Redevelopment Agency;*
*Jonathan Wade, Redevelopment Agency;*
*male speaker, housing on 6th Street;*
*Stan Hallichik, Redevelopment Agency;*
*David Delgotto, Plaza Hotel, affordable housing,*
*Porche Pigge, Plaza Hotel, affordable housing;*
*Stan Parker, Plaza Hotel, affordable housing;*
*James Hutch, Redevelopment Agency;*
*Michelle Armando, Redevelopment Agency;*
*Laura Chuey, Redevelopment Agency;*
*Richard Markis, Redevelopment Agency;*
*Tom McDoungh, build housing;*
*Jason Grandzara, medical marijuana;*
*Mark Dunlap, Commissioner, Redevelopment Commission.*

## CLOSED SESSION

## CONFERENCE WITH CITY ATTORNEY - Existing Litigation

020239 [Closed Session - **Pacific Gas and Electric Company**]

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following bankruptcy matter (Chapter 11) in which the City and County of San Francisco is an active participant:

In Re: PACIFIC GAS AND ELECTRIC COMPANY, Debtor

U. S. Bankruptcy Court, Northern District of California, No. 01-30923 DM
Federal I. D. No. 94-0742640
Date Filed: 4/6/01 (City Attorney)

Motion No. M02-49

**APPROVED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## After a Closed Session, if one occurs, the Board shall adopt Motion (b) or (c)

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.*

**Supervisor McGoldrick, seconded by Supervisor Maxwell, moved. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

## Items 10 through 24

020270 **[Treasure Island Development Authority]**

**Supervisors Leno, Peskin, Daly**

Resolution urging Treasure Island Development Authority (TIDA) to include specific sustainable development standards and requirements in its Request for Proposals (RFP) to develop Treasure Island and Yerba Buena Island.

Resolution No. 115-02

**ADOPTED**

**020271 [Drug Enforcement Agency]**
**Supervisor Leno**

Resolution urging the Drug Enforcement Agency to drop its rule banning any products made with tetrahydrocannabinol, which includes hemp.

**Resolution No.** 116-02
**ADOPTED**

**020272 [Commend - Chris Cunnie]**
**Supervisors Daly, Leno, Peskin, Newsom**

Resolution commending Chris Cunnie on the occasion of his re-election as President of the San Francisco Police Officers' Association.

**Resolution No.** 117-02
**ADOPTED**

**020273 [Commend - San Francisco Gay Men's Chorus]**
**Supervisors Leno, Newsom**

Resolution commending the San Francisco Gay Men's Chorus on its annual "Giving Back" benefit concert, this year in honor and support of Bay Area youth.

**Resolution No.** 118-02
**ADOPTED**

**020274 [Commend - Bob Jacklevich]**
**Supervisors Maxwell, Newsom**

Resolution commending Bob Jacklevich for his commitment and dedication to public service and safeguarding the community from disasters through the Neighborhood Emergency Response Team (NERT) program.

**Resolution No.** 119-02
**ADOPTED**

**020275 [Commend - San Francisco Bay View Newspaper]**
**Supervisors Maxwell, Leno, Peskin, Newsom, Daly**

Resolution recognizing the important role neighborhood papers play in our community and commending the San Francisco Bay View Newspaper on their 10 years of servicing the Bay View Hunters Point Community.

**Resolution No.** 120-02
**ADOPTED**

**020183 [Suspending the Rules of Order]**
**Supervisor Daly**

Motion suspending Rules regarding referral of appointments to Rules Committee.

**Motion No.** M02-30
**APPROVED**

**020259** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M02-34
**APPROVED**

**020285** **[Waiver permitting employees of Administrative Services to provide information Technology Assistance to the Department of Elections]**
**Supervisor Ammiano**

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit employees of the Department of Administrative Services to provide information technology assistance to the Department of Elections on March 5, 2002.

Motion No. M02-35
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Severed From For Adoption Without Committee Reference

**020253** **[Commend - San Francisco Unified School District]**
**Supervisors Daly, Peskin**

Resolution commending the San Francisco Unified School District, particularly School Board President Jill Wynns, Buildings Committee Chair Emilio Cruz, Superintendent Arlene Ackerman and Operations Director Tony Irons, for their hard work and tremendous commitment to the children of the South of Market community in rebuilding Bessie Carmichael.

*Supervisor Gonzalez requested this matter be severed so it could be considered separately.*
**REFERRED to the City and School District Committee.**

**020269** **[Lake Merced Water Level Management]**
**Supervisors Hall, Sandoval, Peskin, Newsom, Maxwell**

Resolution authorizing the San Francisco Public Utilities Commission to apply, accept, and expend local assistance funds for a water level management program for Lake Merced.

*Supervisor Sandoval requested this matter be severed so it could be considered separately.*

*Supervisor Sandoval requested to be added as a co-sponsor.*
**Resolution No.** 114-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020276** **[Commend - Black History Month]**
**Supervisor Maxwell**

Resolution commending the recognition of Black History Month.

*Supervisor Gonzalez requested this matter be severed so it could be considered separately.*

*2/19/02 - Supervisor Gonzalez, seconded by Supervisor Maxwell moved to amend. On line 20 replace "extends its highest commendation in recognition" with "recognizes and celebrates".*
**AMENDED.**

**Resolution No.** 121-02
**ADOPTED AS AMENDED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020184** **[Appointment to the Transbay Joint Powers Authority]**
Motion appointing Supervisor Chris Daly to the Transbay Joint Powers Authority. (Clerk of the Board)

*Supervisor Daly requested this matter be severed so it could be considered separately.*

*Supervisor Leno, seconded by Supervisor Peskin moved to excuse Supervisor Daly from voting.*
**Motion No.** M02-31
**APPROVED by the following vote:**
Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Excused: 1 - Daly

**020237** **[Appointment to the Transbay Joint Powers Authority]**
**Supervisor Hall**

Motion appointing Supervisor Tony Hall as an alternate member to the Transbay Joint Powers Authority.

*Supervisor Ammiano requested this matter be severed so it could be considered separately.*

*Supervisor Leno, seconded by Supervisor Daly moved to excuse Supervisor Hall from voting.*
**Motion No.** M02-32
**APPROVED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Excused: 1 - Hall

**020238** **[Convene Public Hearing]**
**Supervisor Daly**

Motion directing the Clerk of the Board of Supervisors to notice and convene a public hearing pursuant to Section 33200(b) of the California Community Redevelopment Law (Health & Safety Code Section 33000, et seq.), for consideration of whether the Board of Supervisors shall declare itself to be the Redevelopment Agency for the City and County of San Francisco and thereby replace the existing Redevelopment Agency and its appointed Board; and further directing the Clerk to cause the preparation of reports or proposals as necessary for the hearing.

*Supervisor Daly requested this matter be severed so it could be considered separately.*

*2/19/02 - Supervisor Daly, seconded by Supervisor Peskin moved to amend. On Page 2, line 10 after "hearing" insert "as a Special Order commencing at 5:00 p.m. at the full Board of Supervisors meeting of March 4, 2002". On Page 2, line 14 add "Further Moved, If the Clerk is unable to convene the public hearing on March 4, 2002, the Clerk shall convene the public hearing at another regular meeting of the Board of Supervisors prior to March 31, 2002."*

Motion No. M02-33
**APPROVED AS AMENDED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Serious Injury Finding]*
*Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."*

**Supervisor Leno, seconded by Supervisor Maxwell, moved. The motion carried by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Leno, seconded by Supervisor Maxwell, moved Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

## Imperative Agenda

**020289 [Japanese American Day of Remembrance]**
**Supervisors Leno, Maxwell**

Resolution proclaiming February 19, 2002 "Japanese American Day of Remembrance" in the City and County of San Francisco commemorating the struggles of Japanese Americans during the internment of 1942.

**Resolution No.** 122-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

**020290 [March 2002 Primary Election]**
**Supervisor Leno**

Resolution urging the California Secretary of State to oversee the March 2002 primary election in the County of San Francisco.

*Supervisor Leno, seconded by Supervisor Gonzalez moved to continue to February 25, 2002.*

**CONTINUED by the following vote:**

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval
Noes: 3 - Ammiano, McGoldrick, Yee
Absent: 1 - Newsom

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

020291 **[Maximum Shelter Beds]**
**Supervisor Hall**

Ordinance amending Administrative Code Chapter 20 by adding Sec. 20.300 to establish a maximum number of homeless shelter beds.

2/19/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 3/21/2002.

020292 **[Prohibiting Sleeping or Lying on the Sidewalk.]**
**Supervisor Hall**

Ordinance amending Police Code Sections 22, 23, and 24 to prohibit sleeping or lying on the sidewalk.

2/19/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 3/21/2002.

020293 **[Prohibiting Urination and Defecation]**
**Supervisor Hall**

Ordinance amending Article 2 of the San Francisco Police Code by adding Section 153 to prohibit public urination and defecation.

2/19/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 3/21/2002.

020294 **["Quality of Life" Offenses]**
**Supervisor Hall**

Ordinance amending the San Francisco Administrative Code by adding Section 2A.86 to require the Chief of Police to provide information to the District Attorney on citations issued for "Quality of Life" offenses and to require the District Attorney to prepare and post on the District Attorney's website monthly reports showing the outcome of proceedings involving persons cited for these offenses.

2/19/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 3/21/2002.

020295 **[Golden Triangle Light Standards as Landmark]**
**Supervisor Leno**

Ordinance Designating The Golden Triangle Light Standards As Landmark No. 233 Pursuant To Article 10, Sections 1004 And 1004.4 of The Planning Code.

2/19/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020296 [Residential Tenant Security Deposits]**
**Supervisor Peskin**

Ordinance providing that annual landlord interest payments on residential tenant security deposits shall be paid at an interest rate determined annually by the Residential Rent Stabilization and Arbitration Board from posted Federal Reserve one-year Treasury Bill rates, instead of continuing to be paid at five percent (5%) simple interest rate as provided by the current ordinance.

2/19/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 3/21/2002.

**020298 [Grant Applications]**
**Supervisors Gonzalez, Sandoval**

Ordinance amending San Francisco Administrative Code Section 10.170 to provide that all applications submitted by the City for federal, State, or other grants requesting funding for fifty thousand dollars or more for any project or program shall be subject to approval by the Board of Supervisors by resolution.

2/19/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 3/21/2002.

## Resolutions

**020289 [Japanese American Day of Remembrance]**
**Supervisors Leno, Maxwell**

Resolution proclaiming February 19, 2002 "Japanese American Day of Remembrance" in the City and County of San Francisco commemorating the struggles of Japanese Americans during the internment of 1942.

2/19/02, ADOPTED.

**020290 [March 2002 Primary Election]**
**Supervisor Leno**

Resolution urging the California Secretary of State to oversee the March 2002 primary election in the County of San Francisco.

2/19/02, CONTINUED. Supervisor Leno, seconded by Supervisor Gonzalez moved to continue to February 25, 2002.

**020297 [Direct Access to Housing and Master Lease Program Expansion]]**
**Supervisor Ammiano**

Resolution directing the Department of Public Health and the Department of Human Services to provide the Board of Supervisors with a proposed expansion plan for 500 additional units in the Direct Access to Housing Program and 500 additional units in the SRO Master Lease program by March 31, 2002.

2/19/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020299** **[Continuum of Care Plan-Homeless Board Membership]**
**Supervisor Hall**

Resolution amending the Continuum of Care Plan to add four new members to the Local Homeless Coordinating Board: two representatives of the hospitality industry, one to be appointed by the Board of Supervisors, the other to be appointed by the Mayor; and two representatives of Merchants' Associations, one to be appointed by the Board of Supervisors, the other to be appointed by the Mayor.
2/17/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020300** **[Public Toilets]**
**Supervisor Hall**

Resolution urging the Mayor to request that the Department of Public Works, the Recreation and Park Department and any other city departments with public restrooms to open such facilities and to the greatest extent possible establish new public restroom facilities.
2/19/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**020301** **[Special Court and Public Reports Regarding "Quality of Life" Offenses]**
**Supervisor Hall**

Resolution urging the San Francisco Superior Court to establish a Special Court to hear "Quality of Life" offenses, the District Attorney to assign Assistant District Attorneys to appear at the hearings or to delegate this responsibility to the City Attorney's Office, and the San Francisco Superior Court to provide the District Attorney with information about court proceedings involving "Quality of Life" offenses.
2/19/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020302** **[Denouncing DEA Raids]**
**Supervisors Leno, Daly, McGoldrick**

Resolution denouncing the Drug Enforcement Agency's (DEA) recent raid of the Sixth Street Harm Reduction Center in San Francisco and urging the DEA and the federal government to respect and uphold the will of the people of San Francisco that the City be a compassionate haven for the use of medical cannabis to alleviate the suffering of seriously ill patients.
2/19/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020303** **[Shelter Bed Vacancy Reports]**
**Supervisor Newsom**

Resolution urging the Department of Human Services to coordinate with the Mayor's Office of Homelessness and the Department of Public Health to develop a weekly shelter report, which details the total number of beds, the total number of available beds and the total number of used beds in our shelter system, including, but not limited to, our emerging Winter Shelter Program.
2/19/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020304** **[Recognizing and Supporting S.F. Museum and Historical Society]**
**Supervisors Peskin, Newsom**

Resolution recognizing and supporting the San Francisco Museum and Historical Society, the successor organization to the Museum of the City of San Francisco, as the official historical museum of the City and County of San Francisco.
2/19/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020305** **[Garbage Rates]**
**Supervisor Ammiano**

Hearing to consider the Budget Analyst's Report on San Francisco Garbage Rates.
2/19/02, RECEIVED AND ASSIGNED to Finance Committee.

**020306** **[Vacancy Rate of Commercial Properties]**
**Supervisor Leno**

Hearing to consider high vacancy rate of commercial properties in the City and County of San Francisco.
2/19/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020307** **[Utility Undergrounding Program]**
**Supervisor Leno**

Hearing to consider status of San Francisco's utility undergrounding program.
2/19/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020308** **[Dept. of Aging & Adult Services Consolidation]**
**Supervisor Newsom**

Hearing to review the progress to date in the creation of www.SFGetCare.com, a web site sponsored by the Department of Aging & Adult Services to consolidate information and resources for the senior and disabled communities.
2/19/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020309** **[Fay Berrigan Park]**
**Supervisor Newsom**

Hearing regarding the renovation of Fay Berrigan Park, including but not limited to the status of the renovation and the community involvement process.
2/19/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**020310** **[Food Stamp Program]**
**Supervisor Newsom**

Hearing regarding Food Stamp Program, currently run by the Department of Human Services, to discern any efforts to automate the program with the Link Card or any other type of debit card.
2/19/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020311** **[2002-2003 Budget - Department of Public Works]**
**Supervisor Sandoval**

Hearing to discuss the Fiscal Year 2002-2003 budget of the Department of Public Works.
2/19/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020312** **[2002-2003 Budget - Public Utilities Commission]**
**Supervisor Sandoval**

Hearing to discuss the Fiscal Year 2002-2003 budget of the Public Utilities Commission.
2/19/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020313** **[2002-2003 Budget - Sheriff's Department]**
**Supervisor Sandoval**

Hearing to discuss the Fiscal Year 2002-2003 budget of the Sheriff's Department.
2/19/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020314** **[2002-2003 Budget - Fire Department]**
**Supervisor Sandoval**

Hearing to discuss the Fiscal Year 2002-2003 budget of the Fire Department.
2/19/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020315** **[2002-2003 Budget - Police Department]**
**Supervisor Sandoval**

Hearing to discuss the Fiscal Year 2002-2003 budget of the Police Department.
2/19/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

## Motions

**020316** **[Legislative Analyst Request]**
**Supervisor Sandoval**

Motion asking the Legislative Analyst to review the history of flower markets in San Francisco and estimate the total revenue they bring in and the total revenue that is paid to the City.
2/19/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration February 25, 2002.

## Introduced by the President at the Request of Departments

## PROPOSED ORDINANCES

**020180** **[Changing Official Width of Sidewalk]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1550 to change the official sidewalk width on the west side of Mission Street from 16th Street southerly, near the southwesterly corner of 16th and Mission Streets; making findings pursuant to Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

2/12/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

## PROPOSED RESOLUTIONS

**020146** **[Occupancy of the north side of Brannan Street during construction operations at 530-542 Brannan Street]**

Resolution granting revocable permission to UMB Corporation to temporarily close and occupy a portion of the sidewalk and roadway areas on the northerly side of Brannan Street, westerly of 4th Street, during construction operations at 530-542 Brannan Street (Assessor's Block 3777, Lot 038). (Public Works Department)

(District 6.)

2/7/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020147** **[Lease of SFPUC Property for Hotel Parking and Recreation Purposes]**

Resolution authorizing a Ten (10) Year Lease of Public Utilities Commission Land between the City and County of San Francisco and Los Altos Hotel Associates, in Santa Clara County. (Public Utilities Commission)

2/13/02, RECEIVED AND ASSIGNED to Finance Committee.

**020179** **[Sidewalk improvements on the west and east sides of Church Street between Duboce Avenue and Hermann Street]**

Resolution granting revocable permission to Bridge Housing Corporation to occupy a portion of the public right-of-way to construct and install sidewalk improvements, including new sidewalk pavers, new street trees with tree guards and grates and gaslight style pedestrian level lighting on the west side of Church Street; and new sidewalk pavers, new street trees with tree guards and grates, gaslight style pedestrian level lighting, new landscaping and new markers demarcating the entrances on the east side of Church Street, between Duboce Avenue and Hermann Street, in conjunction with the construction of the new affordable housing project at #1 Church Street (Block 0874, Lot 014) and making findings of consistency with the priority policies of Planning Code Section 101.1. (Public Works Department)

(District 5.)

2/8/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

## Requests Granted

*From: Supervisor McGoldrick*
*To: General Manager, Recreation and Park Department*
*Requesting/Inquiring: To submit 2001/02 budget information for District 1, including total operating budget for the district, per facility budget information, and personnel information by location, particularly gardener, recreation director, custodian and craft positions. Please provide information for Golden Gate Park separately from that for the remainder of District One.*

*From: Supervisor Newsom*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: To report on the feasibility and fiscal impact of implementing transportation safety measures, including but not limited to electric traffic signals or a four-way stop at the intersection of Union and Buchanan Streets. Supervisor Newsom also requests an expedient response to this inquiry.*

*From: Supervisor Newsom*
*To: Director, Department of Human Services*
*Requesting/Inquiring: To report on the food stamp program and efforts underway to automate the program with the Link Card or other type of debit card.*

*From: Supervisor Newsom*
*To: Director, Department of Human Services*
*Requesting/Inquiring: To determine the types of social services that are available at each of the City's shelters, including, but not limited to the following service categories:*
*· Case management*
*· Workforce training*
*· Vocational training*
*· After care services*
*· Support groups*
*· In-kind services*
*· Medical services*
*· Psycho-social services*
*· Hours of operations*

*From: Supervisor Newsom*
*To: Director, Department of Human Services*
*Requesting/Inquiring: To report on the operations of Homeless Drop-In Centers to ascertain the following information:*
*· Current hours of operation*
*· Distribution of locations Citywide*
*· Service Programs, such as referral system, personal property lockers, access to showers and laundry services.*

*From: Supervisor Newsom*
*To: Director, Mobile Assistance Program (MAP)*
*Requesting/Inquiring: To report on the operations of the Mobile Assistance Program to ascertain the following information:*
*· Current number of MAP outreach vans*
*· Current hours of operations for the outreach vans*
*· Current shifts and total number of personnel transporting clients*
*· Distribution of vans city-wide or district-based*
*· Current contract performance incentives or goals.*

*From: Supervisor Newsom*
*To: Director, Rent Board*

*To: Director, Mayor's Office of Housing*
*To: Director, Department of Human Services*
*Requesting/Inquiring: That the Directors of the Rent Board, Mayor's Office of Housing and the Department of Human Services report whether they currently, or plan to post vacancy rates via the Internet of Single Room Occupancy Hotels in the City and County of San Francisco.*

*From: Supervisor Sandoval*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation to create a permitting process for flower markets in San Francisco,*
*1. With a bidding process that establishes fair market value and allows the City to collect either a franchise fee or some percentage of gross revenues*
*2. And allows the City to issue additional permits (in addition to the 16 permits currently issued)*
*3. Call for the flower stands' employment of youth and seniors*
*4. And requires that some percentage of these flower stands be operated by non-profit agencies.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*John Paul Calegari (Supervisor Newsom)*
*Juliette Anna Lozano (Supervisor Sandoval)*
*Peter Voulkas (Supervisor Gonzalez)*
*Nicholas Gabriel Artola (Supervisor Ammiano)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 4:27 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on* April 8, 2002

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited*

Gloria L. Young
Clerk of the Board

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# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.
JUL 29 2002
SAN FRANCISCO
PUBLIC LIBRARY

**Monday, February 25, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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***TOM AMMIANO, PRESIDENT***
***CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,***
***SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,***
***AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE***
***Gloria L. Young, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Maxwell | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 8

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

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# ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:01 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Sandoval, Yee - 2.*

*Quorum present.*

*Supervisor Sandoval was noted present at 2:03 p.m.*

*Supervisor Yee was noted present at 2:03 p.m.*

# AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*Gloria L. Young, Clerk of the Board indicated the matter relating to the March 2002 Primary Election, File 020290. (See infra.)*

## Privilege of the Floor

**Supervisor Peskin, seconded by Supervisor Daly, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Introduction of Guests

*In celebration of Black History Month, Supervisor Maxwell introduced and welcomed Phillica Moore, who won the oratorial contest at Martin Luther King Middle School. She read her speech, Black Statue of Liberty, Black author unknown.*

## Presentations Made

*Supervisor Peskin introduced, welcomed and presented Certificates of Honor to the following persons.*

*Giovanni Giotta, owner, Caffe Trieste, for his involvement with the community and for his promotion of fine cultural arts to the Bay Area.*

*Iolanda Giotta Bodi, sister, Caffe Trieste, for her many years of dedicated service to the community of North Beach.*

*Supervisor Peskin introduced Christine Jensen, who presented a reading.*

*On behalf of the entire Board, Supervisor Leno introduced and welcomed Carol Channing and presented her with a Certificate of Honor proclaiming today, February 25, 2002, as Carol Channing Day in San Francisco.*

# CONSENT AGENDA

## Recommendations of the Neighborhood Services and Recreation Committee

**020050** **[Grant for Public Library's Access News Program]**

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $17,204 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for continuation of the Access News Program for the blind and sight impaired patrons. (Public Library)

**Resolution No.** 133-02
**ADOPTED**

**020136** **[Accept-Expend Federal/State Pass Through Grant]**

Resolution authorizing the Department of Public Library to accept and expend a grant in the amount of $10,000 from the California State Library's Partnerships for Change Program as part of the Federal Library Services Act (LSTA) for increasing the size of the Asian language collection and the number of Asian interest and Asian language programs at the Sunset Branch Library. (Public Library)

**Resolution No.** 143-02
**ADOPTED**

## Recommendations of the Public Works and Public Protection Committee

**020095** **[Grant - Spousal Abuser Prosecution Program]**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $16,684 from the California Department of Justice for a program entitled "Nine West Augmentation - Investigation, Warrants, and Trial Preparation". (District Attorney)

**Resolution No.** 138-02
**ADOPTED**

020107 **[Occupancy of the tow-away lane on Kearny Street and the sidewalk and a portion of the right turn lane on Jackson Street during construction operations at 838 Kearny Street]**

Resolution granting revocable permission to Herrero Brothers to temporarily close and occupy a portion of the tow-away lane on the east side of Kearny Street between Jackson and Washington Streets; and to temporarily close and occupy the sidewalk and a portion of the right turn lane on the south side of Jackson Street between Kearny Street and Columbus Avenue during construction operations at 838 Kearny Street (Assessor's Block 0195, Lot 013). (Public Works Department)

**Resolution No.** 139-02

**ADOPTED**

020127 **[Grant for Sheriff's Department program providing a family literacy program for women prisoners in the county jail]**

Resolution authorizing the Sheriff's Department to accept and expend a grant in the amount of $33,000 from the Zellerbach Family Fund for providing a family literacy program for women prisoners in the county jail. (Sheriff)

**Resolution No.** 141-02

**ADOPTED**

020128 **[Grant for Sheriff's Department program providing a mentoring component to augment the life skills program for violent offenders]**

Resolution authorizing the Sheriff's Department: to accept and expend a grant in the amount of $110,000 from the U.S. Department of Education for providing a mentoring program to violent offenders. (Sheriff)

**Resolution No.** 142-02

**ADOPTED**

## Recommendations of the Rules and Audits Committee

020126 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Laura Williams against the City and County of San Francisco for $37,500.00; the lawsuit was filed on July 11, 2000 in San Francisco Superior Court, Case No. 313-526; entitled Williams, et al., v. City and County of San Francisco, et al; other material terms of said settlement are BART will also contribute $37,500.00. (City Attorney)

**PASSED, ON FIRST READING**

020139 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by El Paso Energy Marketing Co. against the City and County of San Francisco for $67,999.00; the lawsuit was filed on February 6, 2001 in San Francisco Superior Court, Case No. 318-666; entitled El Paso Energy Marketing Co. v. City and County of San Francisco. (City Attorney)

**PASSED, ON FIRST READING**

**011602** **[Appointment]**

Resolution appointing Vincent Rios, Bud Wilson, and Aaron Zeff, terms ending January 31, 2003, to the Veterans Affairs Commission, residency requirement waived. (Clerk of the Board)

Vincent Rios (residency requirement waived), succeeding Charles Coolidge, deceased, seat 7, must be a person who served in the Armed Forces of the United States of America and is suffering from a physical disability arising from that service, in accordance with the definitions applied in such cases by the Veterans' Administration, unexpired portion of a four-year term ending January 31, 2003;
Bud Wilson, succeeding Maceo May, seat 8, must be an at-large appointment, unexpired portion of a four-year term ending January 31, 2003;
Aaron Zeff, succeeding Robert De La Cruz, seat 11, must be an at-large appointment, unexpired portion of a four-year term ending January 31, 2003.

**Resolution No.** 124-02
**ADOPTED**

**011720** **[Appointment]**

Resolution appointing Robert Wood, Keith Fowler, and Paul Aguilar, terms ending October 1, 2004, and Brian Haley, term ending October 1, 2003, to the Drug Abuse Advisory Board, residency requirement waived.

Robert Wood, succeeding Leon Winston, seat 3, must represent the public at large, for the unexpired portion of a three-year term ending October 1, 2004;
Keith Fowler, succeeding Nick Roomel, seat 8, must represent the public at large, for the unexpired portion of a three-year term ending October 1, 2004;
Paul Aguilar (residency requirement waived), succeeding Jackson Wong, seat 9, must represent the public at large, for the unexpired portion of a three-year term ending October 1, 2004;
Brian Haley, succeeding Frederick Hobson, seat 13, must represent the public at large, for the unexpired portion of a three-year term ending October 1, 2003.

**Resolution No.** 125-02
**ADOPTED**

**011941** **[Appointment]**

Resolution appointing NTanya Lee, Riva Enteen, and Whitney Leigh, terms ending September 1, 2002, to the Juvenile Justice Advisory Committee.

NTanya Lee, new appointment, seat 1, must have at least ten years experience working with at-risk youth, term ending September 1, 2002;
Riva Enteen, new appointment, seat 2, must have an advance degree in law, criminal justice, public administration, social work or related field, and at least five years experience working as a juvenile justice consultant or administrator, term ending September 1, 2002;
Whitney Leigh, new appointment, seat 3, must have an advance degree in law, criminal justice, public administration, social work, or related field, and experience in working with young, at-risk women of color, term ending September 1, 2002.

**Resolution No.** 127-02
**ADOPTED**

**012084** **[Appointment]**

Resolution appointing Nancy Hogan, Paul Leaman, Chrstina Adams, Christopher Chow, and Richard Allman, terms to be determined, to the United Nations Plaza Working Group.

Nancy Hogan, new position, seat 3, must be a residential tenant in the proximity of United Nations Plaza, term to be determined;
Paul Leaman, new position, seat 5, must be a homeless advocate, term to be determined;
Christina Adams, new position, seat 6, must represent the public at large, term to be determined;
Christopher Chow, new position, seat 7, must represent the public at large, term to be determined;
Richard Allman, new position, seat 8, must represent the public at large, term to be determined.

**Resolution No.** 128-02
**ADOPTED**

**012288** **[Appointment]**

Resolution appointing Rann Parker and Barbara Garcia, terms to be determined, to the Emergency Room Diversion Task Force, residency requirement waived.

Rann Parker (residency requirement waived), seat 13, must be a representative of the Community Substance Abuse Services, term to be determined;
Barbara Garcia, seat 16, must be the director of the Population, Health and Prevention Unit in the Department of Public Health, term to be determined.

**Resolution No.** 131-02
**ADOPTED**

**020111** **[Appointment]**

Resolution appointing Judith Berkowitz and Joseph Paul McGuire, terms to be determined, to the Citizens Advisory Committee on Elections.

Judith Berkowitz, succeeding Richard Shadoian, resigned, seat 1, must be a registered San Francisco voter with an interest and knowledge in the elections process, and show a commitment to fair and impartial elections (must also be nominated by a citizens group interested in civic participation and/or fair elections), for a new four-year term (ending date to be determined via drawing);
Joseph Paul McGuire, new position, seat 6, must be a registered San Francisco voter with an interest and knowledge in the elections process, and show a commitment to fair and impartial elections, for a new four-year term (ending date to be determined via drawing).

**Resolution No.** 140-02
**ADOPTED**

## Recommendations of the Transportation and Commerce Committee

**020056** **[Stop Intersections]**
Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
30th Avenue and Santiago Street, northwest and southeast corners, stopping 30th Avenue (makes this an all-way STOP)
Jessie and Ecker Streets, southwest corner, stopping eastbound Jessie Street (presently uncontrolled)
Mariposa and Texas Streets, northeast and southwest corners, stopping Mariposa Street (makes this an all-way STOP) (Parking and Traffic Department)

(DPT Order No. 2375.)

**Resolution No.** 134-02
**ADOPTED**

**020057** **[Parking Regulations, Various Locations]**
Resolution enacting and rescinding parking regulations at various locations.

TWO-HOUR PARKING TIME LIMIT, 7 AM - 6 PM, MONDAY THROUGH SATURDAY - RESCIND
PARKING METER AREA NO. 3 (2-HOUR PARKING TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Harrison Street, both sides, between 3rd and 4th Streets

RESIDENTIAL PERMIT PARKING AREA "D" (4-HOUR TIME LIMIT, 9 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Mirando Way, both sides, between Cuvier and Milton Streets
Mirando Way, north side, between Rotteck and Rousseau Streets

RESIDENTIAL PERMIT PARKING AREA "W" (1-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
20th Street, south side, between Bryant and York Streets (2800 block)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Delgado Street, north side, from a point 48 feet east of Hyde Street to the eastern terminus (Parking and Traffic Department)

(DPT Order No. 2375.)

**Resolution No.** 135-02
**ADOPTED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# REGULAR AGENDA

## NEW BUSINESS

### Recommendation of the Finance Committee

**020189** **[Supplemental Appropriation, Department of Public Works]**
**Supervisors Peskin, Hall**

Ordinance reappropriating $500,000 from the Third Street Light Rail Street Resurfacing Project to Various Street Treatment Projects in Districts 4 and 7 to be spent by the end of fiscal year 2001-02 and reappropriating $2,295,000 from the Taraval Street Resurfacing Project to Various Street Resurfacing Projects to be identified in consultation with the San Francisco County Transportation Authority to be spent by the end of fiscal year 2002-03 for a total of $2,795,000 for the Department of Public Works.

(Fiscal impact.)

*Supervisors Peskin, Hall requested to be added as sponsors.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

### Recommendations of the Neighborhood Services and Recreation Committee

**012234** **[Shopping Carts]**
**Supervisors Newsom, Peskin**

Ordinance amending the San Francisco Public Works Code by adding Article 24, consisting of Sections 1400 through 1409, to declare unattended empty shopping carts on either public property or on private property without the owner's consent to be a nuisance, and authorizing the Department of Public Works to seize such shopping carts and charge impound and storage costs where the shopping carts are not retrieved by their owner within two days from the receipt of notice of the seizure; requiring a report from the Department of Public Works evaluating the success of its implementation of this ordinance.

*Supervisor Peskin requested to be added as co-sponsor.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012241** **[Request for Exemption from State Statute-Shopping Carts]**
**Supervisor Newsom**

Resolution urging the California State Legislature to exempt the City and County of San Francisco from the requirements of Section 22435.7 of the Business and Professions Code, limiting the ability of local governments to establish requirements for recovery and retrieval of abandoned Shopping and Laundry Carts.

Resolution No. 130-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020022** **[Renaming Richmond Branch Library]**
**Supervisors McGoldrick, Leno, Newsom, Sandoval, Ammiano, Peskin, Daly**

Resolution urging the Library Commission to consider renaming the Richmond Branch Library in honor of Senator Milton Marks in honor of his contribution to the City and County of San Francisco and in particular to his significant contribution to the health and welfare of the public library system of the City and State.

*Supervisors Sandoval and Ammiano requested to be added as co-sponsors.*

**Resolution No.** 132-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Leno

## From Public Works and Public Protection Committee Without Recommendation

**020163** **[Grant - Public Defender]**
**Supervisors Maxwell, Daly**

Resolution authorizing the office of the Public Defender to accept and expend a grant in the amount of $120,000 from Commonwealth to improve the quality and speed of pre-placement assessments, and increase and diversify placement options for youth detained at San Francisco Youth Guidance Center.

*Supervisor Peskin moved to amend page 2, starting with line 3, by deleting "Further Resolved, That in the absence of the primary advocate and designer of the project, Kimiko Burton, Public Defender, as the project supervisor and implementer, unexpended grant funds may be retained by Commonweal and/or returned to donors; and, be it".*

**Supervisor Peskin, seconded by Supervisor Gonzalez, moved that this Resolution be AMENDED. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Leno

Resolution authorizing the office of the Public Defender to accept and expend a grant in the amount of $120,000 from Commonweal to improve the quality and speed of pre-placement assessments, and increase and diversify placement options for youth detained at San Francisco Youth Guidance Center.

**Resolution No.** 108-02

**ADOPTED AS AMENDED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Leno

## Recommendations of the Rules and Audits Committee

**020017** **[Whistleblowers]**
**Supervisor Gonzalez**

Ordinance amending Sections 4.100, 4.105, 4.110 and 4.115 of the San Francisco Campaign and Governmental Conduct Code to: provide protection to whistleblowers who file a complaint with the Controller or City Attorney or a written complaint with the complainant's department regarding improper government activity by a City officer or employee; provide a list of the types of complaints of improper government activity; clarify that protections for whistleblowers apply only when the whistleblower is subject to certain adverse employment actions; and require that the Ethics Commission prepare and all City departments post a notice about protections for whistleblowers.

*Supervisor Gonzalez presented an Amendment of the Whole bearing new title.*

**Supervisor Gonzalez, seconded by Supervisor McGoldrick, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Daly

Ordinance amending Sections 4.100, 4.105, 4.110 and 4.115 of the San Francisco Campaign and Governmental Conduct Code to: provide protection to whistleblowers who file a complaint with the Controller, District Attorney or City Attorney or a written complaint with the complainant's department regarding improper government activity by a City officer or employee; provide a list of the types of complaints of improper government activity; clarify that protections for whistleblowers apply only when the whistleblower is subject to certain adverse employment actions; and require that the Ethics Commission prepare and all City departments post a notice about protections for whistleblowers.

*Supervisor Peskin requested to be added as co-sponsor.*

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Daly

**020092** **[Music Licensing Contracts; Chapter 21 Clean-Up]**

Ordinance authorizing Director of Administrative Services to enter into long term agreements for music licensing with performing rights societies as sole source agreements; amending Chapters 21 and 85 of the Administrative Code to correct certain references. (Administrative Services Department)

**Supervisor Peskin, seconded by Supervisor Daly, moved that this Ordinance be RE-REFERRED to the Rules and Audits Committee. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012046** **[Instant Runoff Voting]**
**Supervisor Gonzalez**

Resolution supporting legislation recently introduced in the United States Congress by Representative Jesse Jackson Jr. regarding Instant Runoff Voting.

Resolution No. 146-02

**ADOPTED by the following vote:**

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Peskin, Sandoval
Noes: 3 - Maxwell, Newsom, Yee

**020159 [Appointment to Telecommunications Commission]**
**Mayor**

Resolution approving the Mayor's appointment of Michael Rouan to the Telecommunications Commission, for the term ending July 1, 2002. (Mayor)

**Resolution No.** 107-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020087 [Auditor for November 7, 2000 and November 6, 2001 Elections]**
**Supervisor Gonzalez**

Motion directing the Clerk of the Board of Supervisors, in consultation with the Elections Commission and California Secretary of State and subject to approval by the Board of Supervisors, to select an auditor to retally ballots cast in the November 7, 2000 Consolidated Municipal Election and recanvass ballots cast in a random sample of precincts in the November 6, 2001 Consolidated Municipal Election.

**Motion No.** M02-36
**APPROVED by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 2 - Leno, Newsom

## Recommendations of the Transportation and Commerce Committee

**011125 [Commercial Vehicle Weight Restriction - Mariposa Street]**
Ordinance adding Section 28.5.54 to the San Francisco Traffic Code, establishing a commercial vehicle weight restriction on a portion of Mariposa Street. (Parking and Traffic Department)

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**011962 [Prohibition on Video Signs and Rotating Signs]**
**Supervisors Peskin, Leno, Newsom**

Ordinance amending Planning Code Sections 607 and 607.1 to prohibit the use of signs that project or emit animated video or video images of any kind in specified districts; amending Planning Code Section 607 to prohibit use of certain rotating signs in specified districts; making findings of consistency with the San Francisco General Plan and the Priority Policies of Planning Code Section 101.1; and making the prohibition on video signs retroactive to February 20, 2001.

(Planning Commission Resolution #16324 adopted 1/10/02 recommending approval. Received Certificate of Exemption/Exclusion from Environmental Review dated 12/17/01)

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**011799** **[Oak and Baker all-red-interval traffic control signals]**
**Supervisor Gonzalez**

Resolution urging the Department of Parking and Traffic to install all-red-interval traffic control signals at the intersection of Oak Street and Baker Street.

**Resolution No.** 126-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020063** **[San Francisco Community College District General Obligation Bonds]**
**Supervisors Leno, Newsom, Hall, Sandoval, McGoldrick**

Resolution authorizing the San Francisco Community College District to issue and sell on its own behalf its general obligation bonds approved by the voters at the November 2001 election without further action by this Board of Supervisors or any other officer of the City and County of San Francisco; ratifying certain actions previously taken; and granting general authority to City and County of San Francisco officials to take necessary actions in connection with the issuance of the general obligation bonds by the San Francisco Community College District; providing prior notice to the City and County of San Francisco for the anticipated sale and issuance of any future series of bonds.

**Resolution No.** 137-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## From Transportation and Commerce Committee Without Recommendation

**012135** **[San Jose Avenue Bike Lane]**
**Supervisors Leno, Peskin**

Resolution establishing a striped bicycle lane on San Jose Avenue northbound from Milton Street to Randall Street; on San Jose Avenue southbound from Randall Street to the Arlington Street exit; on the Arlington Street off-ramp between San Jose Avenue and Arlington Street.

*Supervisor Peskin requested to be added as co-sponsor.*
**Resolution No.** 129-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020058** **[Traffic Regulations, Various Streets]**
**Supervisor Peskin**

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES - ESTABLISH
Avenue of the Palms, both directions (northbound and southbound), between 9th Street and California Avenue (Treasure Island)

RIGHT TURN ONLY - ESTABLISH
Taylor Street, southbound, at California Street (Parking and Traffic Department)

(DPT Order No. 2375.)

*Supervisor Peskin requested to be added as sponsor.*
**Resolution No.** 136-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# SPECIAL ORDER 3:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

*There being no objection, on motion of Supervisor McGoldrick, seconded by Supervisor Leno, the Board convened as a Committee of the Whole.*

**020236** **[Hearing - Ground Lease of Redevelopment Agency Land for Leland Hotel]**
Hearing of persons interested in or objecting to proposed resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 0667, Lot 003, commonly known as 1301-1327 Polk Street, to Mercy Housing California XVIII, L.P., for 55 years for the purpose of developing housing for very low and low income senior households. (Clerk of the Board)

*The President inquired if there was anyone present who wished to address the Board.*
*There being no response, the President declared the public hearing on this matter closed.*
**HEARD AT PUBLIC HEARING.**

## Committee of the Whole Rise and Report Without Recommendation

**020200** **[Ground Lease of Redevelopment Agency Land for Leland Hotel]**
**Mayor, Supervisor Daly**

Resolution approving the Redevelopment Agency of the City and County of San Francisco's lease of land at Assessor's Block 0667, Lot 003, commonly known as 1301-1327 Polk Street, to Mercy Housing California XVIII, L.P., for 55 years for the purpose of developing housing for very low and low income senior households. (Mayor)

(Fiscal impact.)

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 123-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## PUBLIC COMMENT

*Abdalla Megahed, help the homeless;*
*Vernon Jenkins, elections;*
*Ari Duntton, Calpine Energy;*
*Floyd Brown, special preference in housing;*
*Louise Vaughn, must look after the children;*
*Male speaker, evil in the world;*
*Al Lopez, concern about the homeless;*
*Sango Stanford, homelessness in San Francisco.*

## APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

**020316** **[Legislative Analyst Request]**
**Supervisor Sandoval**

Motion asking the Legislative Analyst to review the history of flower markets in San Francisco and estimate the total revenue they bring in and the total revenue that is paid to the City.

**APPROVED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**020304** **[Recognizing and Supporting S.F. Museum and Historical Society]**
**Supervisors Peskin, Newsom**

Resolution recognizing and supporting the San Francisco Museum and Historical Society, the successor organization to the Museum of the City of San Francisco, as the official historical museum of the City and County of San Francisco.

*Supervisor Newsom requested to be added as co-sponsor.*

**Resolution No.** 145-02
**ADOPTED**

**020240** **[Final Map for a 15 Unit Live/Work Condominium Project]**
Motion approving Final Map of 322 - 6th Street, a Live/Work Condominium Project, being a subdivision of Lot 3, Assessor's Block No. 3754, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,386; District 6.)

**Motion No.** M02-37
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Severed From For Adoption Without Committee Reference

**020290** **[March 2002 Primary Election]**
**Supervisor Leno**

Resolution urging the California Secretary of State to oversee the March 2002 primary election in the County of San Francisco.

*Supervisor McGoldrick requested this matter be severed so it could be considered separately.*

*Referred to Health and Human Services Committee for special meeting, Monday, March 4, 2002.*
**REFERRED to the Health and Human Services Committee.**

**020302** **[Denouncing DEA Raids]**
**Supervisors Leno, Daly, McGoldrick**

Resolution denouncing the Drug Enforcement Agency's (DEA) recent raid of the Sixth Street Harm Reduction Center in San Francisco and urging the DEA and the federal government to respect and uphold the will of the people of San Francisco that the City be a compassionate haven for the use of medical cannabis to alleviate the suffering of seriously ill patients.

*Supervisor McGoldrick requested this matter be severed so it could be considered separately.*

*Supervisors Daly, McGoldrick requested to be added as co-sponsors.*

**Resolution No.** 144-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020303 **[Shelter Bed Vacancy Reports]**
**Supervisor Newsom**

Resolution urging the Department of Human Services to coordinate with the Mayor's Office of Homelessness and the Department of Public Health to develop a weekly shelter report, which details the total number of beds, the total number of available beds and the total number of used beds in our shelter system, including, but not limited to, our emerging Winter Shelter Program.

*Supervisor Newsom moved to amend the title, line 7 and line 21, by replacing "emerging" with "emergency"; on line 24, after "placements" insert "the number of people turned away,"*

**Supervisor Newsom, seconded by Supervisor Leno, moved that this Resolution be AMENDED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Resolution urging the Department of Human Services to coordinate with the Mayor's Office of Homelessness and the Department of Public Health to develop a weekly shelter report, which details the total number of beds, the total number of available beds and the total number of used beds in our shelter system, including, but not limited to, our emergency Winter Shelter Program.

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 147-02

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

020343 **[Residential Hotel Visitor Policies]**
**Supervisors Daly, Leno**

Ordinance amending Administrative Code Chapter 41D "Residential Hotel Visitor Policies" to allow operators of residential hotels to adopt Supplemental Visitor Policies in addition to the Uniform Visitor Policy for Residential Hotels, upon approval of the San Francisco Residential Rent Stabilization and Arbitration Board (Rent Board), providing that the Rent Board may amend the Uniform Visitor Policy from time to time, and providing for hotel occupants to petition the Rent Board for hearing and rent reduction for violation of Chapter 41D; amending Administrative Code Section 37.6 and adding Section 37.13 to authorize the Rent Board to effectuate the provisions of Chapter 41D; and, amending Police Code Section 919.1 to provide that imposition or collection of a charge for a visitor or restriction of a visitor in violation of Section 919.1 is (in addition to any available civil remedies), an infraction.

2/25/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 3/27/2002.

**020345 [Residential Parking Permits]**
**Supervisor Newsom**

Ordinance amending San Francisco Traffic Code section 308 to limit the number of residential parking permits issued to a single address.

2/25/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 3/27/2002.

**020346 [Surcharge on Taxi Rides from Airport]**
**Supervisor Newsom**

Ordinance amending Section 1135 of the Police Code to authorize a $2 surcharge for taxi rides from San Francisco International Airport.

2/25/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 3/27/2002.

**020347 [Campaign and Governmental Conduct Code]**
**Supervisors Peskin, Gonzalez**

Ordinance amending Article I, Chapter 1 of the Campaign and Governmental Conduct Code by amending sections 1.100 and 1.104 and adding section 1.119 to define net debt outstanding; prohibit fundraising by candidates after an election in amounts greater than the net debt outstanding on the date of the election; and require that candidates file a statement with the Ethics Commission disclosing the net debt outstanding on the date of an election.

2/25/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 3/27/2002.

**011875 [Amendments to Conflict of Interest Code]**

Ordinance amending Article III, Chapter 1 of the San Francisco Campaign and Governmental Conduct Code by adding Sections 3.1-168, 3.1-218, 3.1-423 and 3.1-424, amending Sections 3.1-109, 3.1-110, 3.1-170, 3.1-175, 3.1-215, 3.1-365 and 3.1-435, and repealing Section 3.1-355 to update the list of designated officials who must file financial disclosure statements and to modify the applicable disclosure requirements. (City Attorney)

10/17/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/14/2001.

1/31/02, TRANSFERRED to Rules and Audits Committee. Transferred pursuant to new committee structure.

2/25/02, SUBSTITUTED. Supervisor Hall submitted a substitute ordinance bearing new title.

2/26/02, ASSIGNED to Rules and Audits Committee.

## Resolutions

**020349 [Domestic Partner Ceremony Certificates]**
**Supervisors Ammiano, Newsom, Leno**

Resolution authorizing the issuance of honorary Domestic Partner Ceremony Certificates to domestic partners who neither work for nor live in San Francisco yet participate in the domestic partnership ceremony to be held in City Hall on March 21, 2002 and authorizing the San Francisco County Clerk's Office to accept donations therefor.

2/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020350** **[Corporate Property Reassessment]**
**Supervisor Gonzalez**

Resolution urging the California State Legislature to place on the ballot a constitutional amendment modifying current tax code to close corporate loopholes in Proposition 13 and allow reassessment of corporate property at current value.
2/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020351** **[Small School Policy]**
**Supervisors Gonzalez, Sandoval, Leno, McGoldrick**

Resolution supporting the San Francisco Board of Education's resolution establishing an autonomous small school policy for the San Francisco Unified School District.
2/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020352** **[Satellite Charter Schools]**
**Supervisor Gonzalez**

Resolution urging the California State Legislature to introduce legislation restricting the establishment and operation of charter schools and their satellite campuses to the county in which the original charter was issued.
2/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020353** **[Charter School Enrollment]**
**Supervisor Gonzalez**

Resolution urging the state Legislature to amend the state Education Code to create a default placement process for a random selection of public school students into one-third of student admission slots in charter schools.
2/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020354** **[Reformation of the Calpine Contract]**
**Supervisors Leno, Daly**

Resolution urging the Public Utilities Commission and the City Attorney to reform or terminate San Francisco's contract with Calpine Energy Services, L.P. and urging the Public Utilities Commission and the City Attorney to take all appropriate steps to reform the CES contract, including filing a complaint at the Federal Energy Regulatory Commission and a civil lawsuit challenging the CES contract.
2/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020355 [Urging CALTRANS to Resolve Transbay Terminal Garage Dispute]**
**Supervisor Leno**

Resolution urging CALTRANS not to contract with entities that owe the City large sums of money in parking tax, or that disguise their obligations by changing business identities, or are otherwise debarred from other City agencies from doing business with the City.
2/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020356 [Homeless Death Prevention Community Advisory Board]**
**Supervisors Newsom, Daly**

Resolution urging the Mayor to request that the Medical Examiner and the Director of the Department of Public Health reactivate the Homeless Death Prevention Community Advisory Board or some other appropriate policy-making group to track and analyze the death of homeless individuals.
2/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020357 [Cesar Chavez Holiday Parade and Festival]**
**Supervisors Sandoval, McGoldrick, Leno, Maxwell**

Resolution recognizing the 2nd Annual Cesar Chavez Holiday Parade and Festival on March 24, 2002.
2/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020358 [Commend - Castro Theatre]**
**Supervisors Leno, Newsom, Peskin**

Resolution commending the Castro Theatre on the eightieth anniversary of its historic theatre building and the Nasser family for their ongoing refurbishment of the structure.
2/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020359 [Commend - Dolores Red]**
**Supervisor Maxwell**

Resolution commending Dolores Red for her 34 years of devoted service to the City and County of San Francisco and proclaiming Thursday, March 14, 2002 as "Dolores Red Day".
2/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020360 [Weekend Rebooking]**
**Supervisor Ammiano**

Hearing on weekend rebooking by the District Attorney and the Sheriff.
2/25/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020361 [Public Relations Personnel]**
**Supervisor McGoldrick**

Hearing on the thoroughness and veracity of responses of City departments to an inquiry letter from the Clerk of the Board asking for information on Public Relations personnel, however classified or designated, who are employed through those City departments.

2/25/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020362 [San Francisco Housing Databook]**
**Supervisor Newsom**

Hearing to discuss a summary of the findings of the recently published, "San Francisco Housing Databook", published by Bay Area Economics and commissioned by the Board of Supervisors. The discussion will include, but not limited to the San Francisco Databook, the Citywide Tenant and Landlord Survey and other special topic studies.

2/25/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020363 [Graffiti Abatement]**
**Supervisor Newsom**

Hearing to discern the impact of the San Francisco Public Works Code, Article 23, Sections 1304 and 1305 since its adoption; including its impact on reducing the amount of graffiti in the City and County of San Francisco; and to assess its efficiency in order to determine whether the City should amend the current code to support its original principles and purposes.

2/25/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**020364 [2002-03 Budget - Juvenile Probation Department]**
**Supervisor Sandoval**

Hearing to discuss the budget of the Juvenile Probation Department for fiscal year 2002-2003.

2/25/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

## Motions

**020342 [Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

2/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020344** **[Board Off-site Meetings]**
**Supervisor Ammiano**

Motion ordering the City and School District Committee meeting of the Board of Supervisors to be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on March 20, 2002, at 3:00 P.M. and directing the Clerk of the Board to prepare the proper notices and postings.

2/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020365** **[Legislative Analyst Request]**
**Supervisor Ammiano**

Motion asking the Legislative Analyst to research the steps required for the City and County of San Francisco to attract a professional women's sports franchise, including required financial backing and sporting venues and capacity. The report should document, to the extent possible, bids offered in other jurisdictions to obtain teams, ticket sales in other local sporting venues, such as Candlestick Park to be used for soccer and the status of plans to develop a basketball arena and new football stadium in San Francisco.

2/25/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration March 4, 2002.

### Introduced by the President at the Request of Departments

## PROPOSED ORDINANCES

**020247** **[Settlement of Lawsuit]**

Ordinance approving settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against CalStar Retail, Inc., by payment by CalStar Retail Inc. to the City in the amount of $620,000 and other terms; the lawsuit was filed on August 7, 2001, in San Mateo County Superior Court, Case No. 417869, entitled City and County of San Francisco, acting by and through its Airport Commission v. CalStar Retail, Inc. (City Attorney)

2/20/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration at the February 27, 2002 meeting.

**020248** **[Supplemental Appropriation, Department of Elections]**

Ordinance appropriating $3,858,870 of the General Reserve and reappropriating $1,800,000 from the lease-purchase of election equipment for a total of $5,658,870 to fund salaries, fringe benefits, other current expenses, materials and supplies, and equipment for the Department of Elections for fiscal year 2001-02. (Elections Department)

(Fiscal impact.)

2/19/02, RECEIVED AND ASSIGNED to Finance Committee.

## PROPOSED RESOLUTIONS

**020181** **[Grant for indigent patients at the San Francisco General Hospital Trauma Center and improve the hospital trauma registry]**
**Supervisor Newsom**

Resolution authorizing the San Francisco Department of Public Health, San Francisco County EMS Agency (SFDPH) to accept retroactively and expend a one year grant in the amount of $912,440 from the California Emergency Medical Services Authority (CEMSA) to support the Trauma Center at San Francisco General Hospital and to enter into an agreement for the use of these funds; for the period of July 1, 2001 to June 30, 2002. (Public Health Department)

2/19/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Department requests this item be calendared at the March 7, 2002 meeting.

**020182** **[Study of HIV prevention costs and services]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $72,500 with The Regents of the University of California San Francisco (UCSF), the primary contractor, for the HIV Prevention Planning Collaborative Allocation Tool project under a one year award from the DHHS Centers for Disease Control and Prevention (CDC); for the period of September 30, 2001 to September 29, 2002. (Public Health Department)

2/19/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Department requests this item be calendared at the March 7, 2002 meeting.

**020242** **[Grant - Purchase of additional new LRVs]**

Resolution authorizing the Municipal Transportation Agency to accept and expend $22,888,763 of Federal Section 5309 capital assistance for the purchase of new LRVs for San Francisco's Municipal Railway, excluding Administrative Overhead Costs. (Municipal Transportation Agency)

2/15/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020243** **[Grant- MUNI Connector Project]**

Resolution authorizing the Municipal Transportation Agency to accept and expend $3,325,000 of Regional Measure One Funds for Municipal Railway Transit Project. (Municipal Transportation Agency)

2/19/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020244** **[Lease Agreement - Breda Transportation, Inc.]**

Resolution approving a lease agreement with Breda Transportation, Inc. and the City and County of San Francisco operating by and through the San Francisco Port Commission for shed space, loading dock space and office space at Pier 80, San Francisco, California. (Port)

2/15/02, RECEIVED AND ASSIGNED to Finance Committee.

**020245** **[Executive Nurse Fellows Program]**

Resolution authorizing the San Francisco Department of Public Health, Laguna Honda Hospital & Rehabilitation Center (SFDPH, LHH) to enter retroactively into an agreement with The Regents of the University of California San Francisco (UCSF), the primary contractor, and expend funds in the amount of $45,000 for the conduct of the "Robert Wood Johnson Executive Nurse Fellows Program"; for the period of July 1, 2001 to May 31, 2004. (Public Health Department)

2/19/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Department requests this item be calendared at the March 21, 2002 meeting.

**020246** **[Safety Retirement]**

Resolution implementing MOU provision and authorizing an amendment to correct an error in the contract between the Board of Administration of the Public Employees' Retirement System and the Board of Supervisors of the City and County of San Francisco. (Human Resources Department)

2/17/02, RECEIVED AND ASSIGNED to Finance Committee.

## Requests Granted

*From: Supervisor Hall*
*To: Elections Commission*
*Requesting/Inquiring: To conduct a hearing on the escalating costs of mailing an absentee ballot incurred by voters returning their completed ballots to the Department of Elections.*

*From: Supervisor Leno*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation which would require City Departments to use revolving funds for non-bid purchases and blanket purchase orders in the City of San Francisco, with exemptions for items not available in the City.*

*From: Supervisor Maxwell*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation whereby potential contractors with the City would receive bonus points on their bid based upon their workforce composition, specifically their percentage of disadvantaged workers.*

*From: Supervisor Maxwell*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation whereby the City's non-discrimination policy for contractors of non-federal contracts would be expanded to include a review of their subcontractors' ownership composition.*

*From: Supervisor Newsom*
*To: City Attorney*
*Requesting/Inquiring: To draft an ordinance that will insure accountability of all levels of the homeless service delivery system, by establishing a coordinated intake process, specifically the following:*
*1. Clients would enter the system at one site or at multiple neighborhood sites.*
*2. Appraisal of client's needs of the following would be determined during the initial intake process, including, but not limited to mental health, substance abuse, primary care providers, assessment of MediCal and General Assistance eligibility.*
*3. Client identification would be established by means of a client database and finger imaging technology, including the utilization of the existing finger imaging system currently used by the Department of Human Services.*

*From: Supervisor Newsom*
*To: City Attorney*
*Requesting/Inquiring: To draft an ordinance which will create a homeless delivery system outreach staff to be designated at a defined geographical area to conduct their work, specifically one that will maximize the blending of efforts by existing specialized teams currently employed by the Department of Human Services and the Department of Public Health.*

*From: Supervisor Newsom*
*To: City Attorney*
*Requesting/Inquiring: To draft an ordinance that will develop a Citywide Contract Monitoring Committee to monitor City-funded Shelters and Homeless Drop-In Centers for single adults, families and youth.*

*From: Supervisor Newsom*
*To: City Attorney*
*Requesting/Inquiring: To draft an ordinance that will enhance the interdepartmental coordination and accountability within the homeless service delivery system, to include ways in which:*
*1. All contracts associated with the provision of service within the system would be reviewed and signed by the Mayor's Office of Homeless Coordinator, the Executive Director of the Department of Human Services and the Director of the Department of Public Health, in order to facilitate the interdepartmental services, develop an agreement on outcome measures and recognition for program accountability.*
*2. The production of an Annual Report for the Mayor and the Board of Supervisors, with specific descriptions of:· Status of goal achievement by each individual contractor;· Recommendations on allocation of performance incentive monies;· Reports on the monitoring of program environments within the system, including health inspections and safety issues;· Capacity and utilization rates of the different programs within the Continuum of Care;· Recommendations for program enhancement deletions, system modifications and funding allocations;· Successes and lessons learned during the year.*

*From: Supervisor Newsom*
*To: Director, Department of Public Works*
*Requesting/Inquiring: To report on Graffiti Abatement Statistics, specifically the following:*
*1. The number of hearings held pursuant to Public Works Code, Article 23, Section 1304 and Section 1305, since its adoption;*
*2. And the number of citations given pursuant to Public Works Code, Article 23, Section 1304 and Section 1305, since its adoption.*

*From: Supervisor Newsom*
*To: City Attorney*
*Requesting/Inquiring: To review and draft an opinion (pursuant to Proposition K) on the legality of the recent decision of the San Francisco Taxi Commission to transfer a Corporate Taxi Medallion to John Lazar.*

*From: Supervisor Sandoval*
*To: City Attorney*
*To: Director, Department of Building Inspection*
*To: Director, Planning Department*
*Requesting/Inquiring: That the City Attorney work with the Directors of the Department of Building Inspection and Planning Department to draft legislation prohibiting home owners from paving over their front yards by amending Section 132(g) of the Planning Code, requesting that the legislation require that home owners permanently maintain 20% of front yards for landscaping.*

*From: Supervisor Sandoval*
*To: General Manager, MUNI*
*Requesting/Inquiring: To report on the feasibility of establishing or redirecting a bus line to connect the Ocean View-Merced-Ingleside (OMI) and the Merced Extension Triangle Neighborhood so that residents of the OMI can access the new grocery store and other amenities available at the Ocean View Village Development.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Trudy Jorgenson (Supervisor Leno)*
*Ellison Horne, Sr. (Supervisor Newsom)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 5:34 p.m adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on April 29, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L.

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.
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**Monday, March 4, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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*TOM AMMIANO, PRESIDENT*
*CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,*
*SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,*
*AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE*
***Gloria L. Young, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Maxwell | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 9

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Sandoval, Yee - 2.*

*Quorum present.*

*Supervisor Yee was noted present at 2:02 p.m.*

*Supervisor Sandoval was noted present at 2:10 p.m.*

## APPROVAL OF MEETING MINUTES

**Supervisor Peskin, seconded by Supervisor Maxwell, moved to approve the January 14 and January 22, 2002 Meeting Minutes. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee
Absent: 1 - Sandoval

## AGENDA CHANGES

*The President inquired if there we any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*The President, Supervisor Ammiano indicated the matter relating to the Board Off-Site Meeting, File 020344. (See infra.)*

## CONSENT AGENDA

### Recommendations of the Finance Committee

**020189** **[Supplemental Appropriation, Department of Public Works]**
**Supervisors Peskin, Hall**

Ordinance reappropriating $500,000 from the Third Street Light Rail Street Resurfacing Project to Various Street Treatment Projects in Districts 4 and 7 to be spent by the end of fiscal year 2001-02 and reappropriating $2,295,000 from the Taraval Street Resurfacing Project to Various Street Resurfacing Projects to be identified in consultation with the San Francisco County Transportation Authority to be spent by the end of fiscal year 2002-03 for a total of $2,795,000 for the Department of Public Works.

(Fiscal impact.)

**Ordinance No.** 25-02
**FINALLY PASSED**

**020247** **[Settlement of Lawsuit]**
Ordinance approving settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against CalStar Retail, Inc., by payment by CalStar Retail Inc. to the City in the amount of $620,000 and other terms; the lawsuit was filed on August 7, 2001, in San Mateo County Superior Court, Case No. 417869, entitled City and County of San Francisco, acting by and through its Airport Commission v. CalStar Retail, Inc. (City Attorney)

**PASSED, ON FIRST READING**

**020046** **[Bay Area Cellular Telephone Company dba AT&T Wireless Lease]**
Resolution authorizing and approving a lease of cellular transmitter space at the Fire Station 30 (inactive) at 1300 4th Street to Bay Area Cellular Telephone Company dba AT&T Wireless. (Real Estate Department)

**Resolution No.** 150-02
**ADOPTED**

## Recommendations of the Health and Human Services Committee

**020108** **[Grant - Mental health services to transgender racial and ethnic minorities in non-mental health settings]**
**Supervisors Leno, Newsom**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to accept and expend retroactively a grant in the amount of $400,000 for the first year of three years from the Substance Abuse and Mental Health Services Administration (SAMHSA) to expand mental health services for racial and ethnic minority transgenders in non-mental health settings and to enter into an agreement for the use of these funds; for the period of October 1, 2001 to September 30, 2002. (Public Health Department)

*Supervisor Newsom requested to be added as co-sponsor.*
**Resolution No.** 153-02
**ADOPTED**

020124 **[Balboa Teen Health Center services to participants and staff of the YMCA OMI/Excelsior Neighborhood Beacon Center]**

**Supervisors Sandoval, Hall, Newsom**

Resolution authorizing the San Francisco Department of Public Health, Community Health Network, Balboa Teen Health Center (BTHC) to enter retroactively into an agreement in the amount of $19,304 with the Urban Services YMCA OMI/Excelsior Neighborhood Beacon Center (YMCA) to provide services to Beacon Center participants and staff; for the period of July 1, 2001 to June 30, 2002. (Public Health Department)

*Supervisors Hall, Newsom requested to be added as co-sponsors.*

**Resolution No.** 154-02

**ADOPTED**

## Recommendations of the Rules and Audits Committee

020126 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Laura Williams against the City and County of San Francisco for $37,500.00; the lawsuit was filed on July 11, 2000 in San Francisco Superior Court, Case No. 313-526; entitled Williams, et al., v. City and County of San Francisco, et al; other material terms of said settlement are BART will also contribute $37,500.00. (City Attorney)

**Ordinance No.** 30-02

**FINALLY PASSED**

020139 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by El Paso Energy Marketing Co. against the City and County of San Francisco for $67,999.00; the lawsuit was filed on February 6, 2001 in San Francisco Superior Court, Case No. 318-666; entitled El Paso Energy Marketing Co. v. City and County of San Francisco. (City Attorney)

**Ordinance No.** 31-02

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee
Absent: 1 - Sandoval

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendations of the Neighborhood Services and Recreation Committee

**012234 [Shopping Carts]**
**Supervisors Newsom, Peskin**

Ordinance amending the San Francisco Public Works Code by adding Article 24, consisting of Sections 1400 through 1409, to declare unattended empty shopping carts on either public property or on private property without the owner's consent to be a nuisance, and authorizing the Department of Public Works to seize such shopping carts and charge impound and storage costs where the shopping carts are not retrieved by their owner within two days from the receipt of notice of the seizure; requiring a report from the Department of Public Works evaluating the success of its implementation of this ordinance.

*Supervisor Hall moved to amend page 4, line 21, after "paid in full" by inserting "by the retailer or the person(s) collecting the carts at the time of collection from the Department of Public Works."*

**Supervisor Hall, seconded by Supervisor Maxwell, moved that this Ordinance be AMENDED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendation of the Rules and Audits Committee

**020017 [Whistleblowers]**
**Supervisors Gonzalez, Peskin**

Ordinance amending Sections 4.100, 4.105, 4.110 and 4.115 of the San Francisco Campaign and Governmental Conduct Code to: provide protection to whistleblowers who file a complaint with the Controller, District Attorney or City Attorney or a written complaint with the complainant's department regarding improper government activity by a City officer or employee; provide a list of the types of complaints of improper government activity; clarify that protections for whistleblowers apply only when the whistleblower is subject to certain adverse employment actions; and require that the Ethics Commission prepare and all City departments post a notice about protections for whistleblowers.

**Ordinance No.** 29-02

**FINALLY PASSED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Transportation and Commerce Committee

**011125 [Commercial Vehicle Weight Restriction - Mariposa Street]**

Ordinance adding Section 28.5.54 to the San Francisco Traffic Code, establishing a commercial vehicle weight restriction on a portion of Mariposa Street. (Parking and Traffic Department)

**Ordinance No.** 27-02

**FINALLY PASSED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

011962 **[Prohibition on Video Signs and Rotating Signs]**
**Supervisors Peskin, Leno, Newsom**

Ordinance amending Planning Code Sections 607 and 607.1 to prohibit the use of signs that project or emit animated video or video images of any kind in specified districts; amending Planning Code Section 607 to prohibit use of certain rotating signs in specified districts; making findings of consistency with the San Francisco General Plan and the Priority Policies of Planning Code Section 101.1; and making the prohibition on video signs retroactive to February 20, 2001.

(Planning Commission Resolution #16324 adopted 1/10/02 recommending approval. Received Certificate of Exemption/Exclusion from Environmental Review dated 12/17/01)

*Supervisor Newsom requested to be added as co-sponsor.*

**Ordinance No.** 28-02

**FINALLY PASSED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# NEW BUSINESS

## Recommendations of the Health and Human Services Committee

011851 **[Mandatory Minimum Federal Sentencing Guidelines]**
**Supervisor Gonzalez**

Resolution urging the United States Congress to support HR 1978 in repealing Mandatory Minimum Federal sentencing guidelines.

**Resolution No.** 149-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020094 **[Preventive oral health care among various ethnic/racial caregivers of children in San Francisco between 1 and 5 years of age]**
**Supervisor Leno**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $93,537 with The Regents of the University of California (UCR), the primary contractor, to understand ethnic/racial cultural differences related to children's oral health, under the first year of an award from the National Institutes of Health (NIH); for the period of September 1, 2001 to July 31, 2002. (Public Health Department)

*Supervisor Leno requested to be added as sponsor.*

**Resolution No.** 151-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020103** **[Reduce risk behaviors that lead to exposure to HIV and increase adherence to remedial treatment after exposure to HIV]**

**Supervisor Leno**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $162,320.48 with The Regents of the University of California San Francisco (UCRSF), for the "Behavioral, Basic and Clinical Studies of the Post-Exposure Prophylaxis (PEP)" project for the period of September 1, 2001 to August 31, 2002. (Public Health Department)

*Supervisor Leno requested to be added as sponsor.*

**Resolution No.** 152-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020132** **[Research study to evaluate the effectiveness of different approaches for reducing the transmission risk behaviors of HIV-infected patients]**

**Supervisor Leno**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $241,549 with The Regents of the University of California San Francisco (UCSF), the primary contractor, for a collaborative study of prevention for HIV-positive persons under the first year of an award from the DHHS Centers for Disease Control and Prevention (CDC); for the period of September 30, 2001 to September 29, 2002. (Public Health Department)

*Supervisor Leno requested to be added as sponsor.*

**Resolution No.** 155-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020138** **[Mental health services provided to high risk children ages 0 to 5 years and their families in San Francisco]**

**Supervisor Leno**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to retroactively accept and expend $50,000 for the first year of a two year grant from the California Department of Mental Health (CDMH) to expand the number of mental health assessments and other mental health services to children ages 0-5 years and their families; for the period of July 1, 2001 to June 30, 2002. (Public Health Department)

*Supervisor Leno requested to be added as sponsor.*

**Resolution No.** 156-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020157** **[Local Regulation of Cigarette Advertising]**
**Supervisors Daly, Leno**

Resolution urging the United States Congress to amend the Federal Cigarette Labeling and Advertising Act to allow state and local governments to regulate tobacco advertising and directing the City's Federal Legislative Representative to take appropriate steps in order to further the enacting of this legislation.

**Resolution No.** 157-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020158** **[Reducing Greenhouse Gas Emissions]**
**Mayor, Supervisor Peskin**

Resolution supporting efforts to curb global warming, adopting greenhouse gas emissions reduction goals for the City and County of San Francisco in excess of the targeted goals of the Kyoto Protocol, and calling for continued actions towards achieving these goals. (Mayor)

*Supervisor Peskin requested to be added as co-sponsor.*
**Resolution No.** 158-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## COMMITTEE REPORTS

### Recommendation of Health and Human Services Committee

**020290** **[March 2002 Primary Election]**
**Supervisor Leno**

Resolution urging the California Secretary of State to oversee the March 2002 primary election in the County of San Francisco.

**Resolution No.** 159-02
**ADOPTED by the following vote:**
Ayes: 7 - Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin
Noes: 4 - Ammiano, McGoldrick, Sandoval, Yee

# PUBLIC COMMENT

*Abdalah Megahed, homeless;*
*Ernestine Weiss, problems with passthroughs;*
*Vernon Jenkins, get out the vote;*
*Female speaker, Calwork County Plan;*
*James Chaffee, San Francisco Public Library Foundation;*
*Male speaker, homeless summit;*
*Robert Pender, Park Merced Tenants Association.*

# APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

**020365 [Legislative Analyst Request]**
**Supervisor Ammiano**

Motion asking the Legislative Analyst to research the steps required for the City and County of San Francisco to attract a professional women's sports franchise, including required financial backing and sporting venues and capacity. The report should document, to the extent possible, bids offered in other jurisdictions to obtain teams, ticket sales in other local sporting venues, such as Candlestick Park to be used for soccer and the status of plans to develop a basketball arena and new football stadium in San Francisco.

**APPROVED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# CLOSED SESSION

# CONFERENCE WITH CITY ATTORNEY - Existing Litigation

020321 **[Existing Litigation]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following lawsuits involving challenges to the City's Minority/Women/Local Business Utilization Program:

Coral Construction, Inc. v. San Francisco
San Francisco Superior Court No. 319549
Date Filed: 9/12/00

San Francisco v. Scott
Santa Clara County Superior Court, No. 787-323
Date Filed: 9/21/99 (City Attorney)

*Supervisor Yee moved to continue this matter to March 18, 2002.*

**Supervisor Yee, seconded by Supervisor Leno, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

020349 **[Domestic Partner Ceremony Certificates]**

**Supervisors Ammiano, Newsom, Leno**

Resolution authorizing the issuance of honorary Domestic Partner Ceremony Certificates to domestic partners who neither work for nor live in San Francisco yet participate in the domestic partnership ceremony to be held in City Hall on March 21, 2002 and authorizing the San Francisco County Clerk's Office to accept donations therefor.

*Supervisors Newsom, Leno requested to be added as co-sponsors.*

**Resolution No.** 160-02

**ADOPTED**

020352 **[Satellite Charter Schools]**

**Supervisor Gonzalez**

Resolution urging the California State Legislature to introduce legislation restricting the establishment and operation of charter schools and their satellite campuses to the county in which the original charter was issued.

**Resolution No.** 165-02

**ADOPTED**

020353 **[Charter School Enrollment]**

**Supervisor Gonzalez**

Resolution urging the state Legislature to amend the state Education Code to create a default placement process for a random selection of public school students into one-third of student admission slots in charter schools.

**Resolution No.** 166-02

**ADOPTED**

**020356** **[Homeless Death Prevention Community Advisory Board]**
**Supervisors Newsom, Daly**

Resolution urging the Mayor to request that the Medical Examiner and the Director of the Department of Public Health reactivate the Homeless Death Prevention Community Advisory Board or some other appropriate policy-making group to track and analyze the death of homeless individuals.

**Resolution No.** 167-02
**ADOPTED**

**020358** **[Commend - Castro Theatre]**
**Supervisors Leno, Newsom, Peskin**

Resolution commending the Castro Theatre on the eightieth anniversary of its historic theatre building and the Nasser family for their ongoing refurbishment of the structure.

*Supervisors Newsom, Peskin requested to be added as co-sponsors.*
**Resolution No.** 163-02
**ADOPTED**

**020342** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

**Motion No.** M02-38
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Severed From For Adoption Without Committee Reference

**020350** **[Corporate Property Reassessment]**
**Supervisor Gonzalez**

Resolution urging the California State Legislature to place on the ballot a constitutional amendment modifying current tax code to close corporate loopholes in Proposition 13 and allow reassessment of corporate property at current value.

*Supervisor Yee requested this matter be severed so it could be considered separately.*

*Supervisor Yee requested this matter be sent to committee.*
**REFERRED to the Rules and Audits Committee.**

**020351** **[Small School Policy]**
**Supervisors Gonzalez, Sandoval, Leno, McGoldrick**

Resolution supporting the San Francisco Board of Education's resolution establishing an autonomous small school policy for the San Francisco Unified School District.

*Supervisor Sandoval requested this matter be severed so it could be considered separately.*

*Supervisors Sandoval, Leno and McGoldrick requested to be added as co-sponsors.*

*Supervisor Yee requested this matter be sent to committee.*
**REFERRED to the City and School District Committee.**

**020354** **[Reformation of the Calpine Contract]**
**Supervisors Leno, Daly**

Resolution urging the Public Utilities Commission and the City Attorney to reform or terminate San Francisco's contract with Calpine Energy Services, L.P. and urging the Public Utilities Commission and the City Attorney to take all appropriate steps to reform the CES contract, including filing a complaint at the Federal Energy Regulatory Commission and a civil lawsuit challenging the CES contract.

*Supervisor Leno requested this matter be severed so it could be considered separately.*

*Supervisor Leno moved to continue consideration to March 11, 2002.*
**Supervisor Leno, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020355** **[Urging CALTRANS to Resolve Transbay Terminal Garage Dispute]**
**Supervisor Leno**

Resolution urging CALTRANS not to contract with entities that owe the City large sums of money in parking tax, or that disguise their obligations by changing business identities, or are otherwise debarred from other City agencies from doing business with the City.

*Supervisor Leno requested this matter be severed so it could be considered separately.*
**Resolution No.** 161-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020357** **[Cesar Chavez Holiday Parade and Festival]**
**Supervisors Sandoval, McGoldrick, Leno, Maxwell**

Resolution recognizing the 2nd Annual Cesar Chavez Holiday Parade and Festival on March 24, 2002.

*Supervisor McGoldrick requested this matter be severed so it could be considered separately.*

*Supervisors McGoldrick, Leno, Maxwell requested to be added as a co-sponsors.*
**Resolution No.** 162-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020359 [Commend - Dolores Red]**
**Supervisor Maxwell**

Resolution commending Dolores Red for her 34 years of devoted service to the City and County of San Francisco and proclaiming Thursday, March 14, 2002 as "Dolores Red Day".

*Supervisor Maxwell requested this matter be severed so it could be considered separately.*

*Supervisor Maxwell moved to amend the title, page 1, line 4, by replacing "Thursday, March 14" with "Wednesday, March 13".*

**Supervisor Maxwell, seconded by Supervisor Daly, moved that this Resolution be AMENDED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Resolution commending Dolores Red for her 34 years of devoted service to the City and County of San Francisco and proclaiming Wednesday, March 13, 2002 as "Dolores Red Day".

*Supervisors Newsom, Leno requested to be added as co-sponsors.*

**Resolution No.** 164-02

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020344 [Board Off-site Meetings]**
**Supervisor Ammiano**

Motion ordering the City and School District Committee meeting of the Board of Supervisors to be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on March 20, 2002, at 3:00 P.M. and directing the Clerk of the Board to prepare the proper notices and postings.

*Supervisor Ammiano requested this matter be severed so it could be considered separately.*

*Supervisor Ammiano moved to amend the title, page 1, line 4, by replacing "March 20" with "April 17"; on page 2, line 2, replace "March 20" with "April 17".*

**President Ammiano, seconded by Supervisor Daly, moved that this Motion be AMENDED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Motion ordering the City and School District Committee meeting of the Board of Supervisors to be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on April 17, 2002, at 3:00 P.M. and directing the Clerk of the Board to prepare the proper notices and postings.

**Motion No.** M02-39

**APPROVED AS AMENDED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**020366** **[Supplemental Appropriation - Airport]**
**Supervisors Daly, Gonzalez, Sandoval**

Ordinance rescinding appropriations totaling $1,825,845 for positions impacted by the Management Classification and Compensation Plan and working on the Airport Runway project at the Airport for fiscal year 2001-02.

(Fiscal impact; Companion measure to File 020367.)
3/4/02, RECEIVED AND ASSIGNED to Finance Committee.

**020367** **[Amendment to Annual Salary Ordinance - Airport]**
**Supervisors Daly, Gonzalez, Sandoval**

Ordinance amending Ordinance No. 171-01 (Annual Salary Ordinance 2001/02) reflecting the abolishment of 17 positions at the Airport Commission.

(Fiscal impact.)
3/4/02, RECEIVED AND ASSIGNED to Finance Committee.

**020368** **[Supplemental Appropriation - San Francisco's Finance Corp.]**
**Mayor**

Ordinance appropriating $8,420,000 from the sale of lease-revenue bonds by the Mayor's Finance Corporation to fund purchase of equipment citywide for fiscal year 2001-02. (Mayor)

(Fiscal impact.)
3/4/02, RECEIVED AND ASSIGNED to Finance Committee.

**020369** **[MOU - Fire]**
**Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between Municipal Executives' Association (Fire) and the City and the County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003. (Mayor)
3/4/02, RECEIVED AND ASSIGNED to Finance Committee.

**020370** **[MOU - Police]**
**Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between Municipal Executives' Association (Police) and the City and the County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003. (Mayor)
3/4/02, RECEIVED AND ASSIGNED to Finance Committee.

## Resolutions

**020371** **[Adoption of Board of Supervisors 2002 Budget Process]**
**Supervisors Maxwell, Peskin, Ammiano, McGoldrick, Newsom**

Resolution adopting the San Francisco Board of Supervisors' 2002 Budget Process.
3/4/02, RECEIVED AND ASSIGNED to Budget Committee. Sponsor requests this item be scheduled for consideration at the March 19, 2002 meeting.

**020372** **[Permitting Immigrants to the Federal Office Building]**
**Supervisors Ammiano, Daly**

Resolution urging the United States Federal Office Building and the Office of the Internal Revenue Service to permit entry into the building by immigrants regardless of their immigration status to carry on normal business in the building.
3/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020373** **[State Grant - Planning Department]**
**Supervisors Gonzalez, Hall, Newsom**

Resolution authorizing the Planning Department to apply for and accept funds, in an amount not to exceed $50,000, from the California State Library, State of California, to aid in the preparation, adoption and implementation of a cultural preservation plan that promotes the preservation of Japantown in San Francisco.
3/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020374** **[State Grant - Recreation and Park Department]**
**Supervisors Leno, Hall, Newsom**

Resolution authorizing the Recreation and Park Department to accept and expend a grant in the amount of $250,000 from the California State Coastal Conservancy for habitat restoration and trail improvements in Glen Canyon Park.
3/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020375** **[Recognition of Great American Meatout]**
**Supervisors Maxwell, Daly**

Resolution in recognition of The Great American Meatout, March 20, 2002.
3/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020378** **[Commending Killing My Lobster]**
**Supervisors Sandoval, Daly**

Resolution commending Killing My Lobster for outstanding sketch comedy group performances and award-winning independent film production in the city of San Francisco.
3/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020379** **[March 5, 2002 Election]**
**Supervisor Hall**

Hearing on the presentation from the Department of Elections, Elections Commission, and Citizens Advisory Committee to the Department of Elections to the Board of Supervisors on March 5, 2002 election.
3/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020380** **[Musee Mecanique Potential Closure]**
**Supervisor Hall**

Hearing on the potential closure of the Musee Mecanique at the Cliff House by the GGNRA.
3/4/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**020381** **[Status of Treasure Island Development Proposals]**
**Supervisor McGoldrick**

Hearing on the status of Treasure Island development proposals, including the basis for the selection of Treasure Island Community Development ("TICD, LLC") consisting of four partners, as the sole developer, the wisdom of issuing a Request of Proposal ("RFP") to one developer, for a 450 acre development, without competition in the planning of the development or the amount of the financial return to the City and County of San Francisco; a review of the financial qualifications and available capitalization of TICD to complete this major long term development; and a consideration of the adequacy of the proposed RFP to protect the interests of citizens of San Francisco and the Bay Area.
3/4/02, RECEIVED AND ASSIGNED to Finance Committee.

**020382** **[Musee Mecanique Possible Closure]**
**Supervisor McGoldrick**

Hearing on the possible closure of the Musee Mecanique at the Cliff House and options to continue the operation of this San Francisco treasure.
3/4/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**020383** **[Natural Areas Program]**
**Supervisor Newsom**

Hearing to consider the Natural Areas Program, including but not limited to the possible creation of a Citizens Task Force to monitor this program, the acreage of City park lands and any pending violations of the current California Environmental Quality Act (CEQA).
3/4/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**020384** **[City's 3-Year Budget Projection]**
**Supervisor Peskin**

Hearing regarding the City's 3-year Budget Projection, and respectfully requests the Controller and the Mayor's Budget Director to brief the Budget Committee on this projection.
3/4/02, RECEIVED AND ASSIGNED to Budget Committee.

## Motions

**020376 [Performance Audit Schedule]**
**Supervisor Hall**

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.
3/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020385 [Amendment to Rules of Order]**
**Supervisor Ammiano**

Motion amending the Rules of Order of the Board of Supervisors of the City and County of San Francisco to add Rule 6.2, which would allow for an orderly transition of outgoing and newly elected members of the Board of Supervisors.
3/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020386 [Extending Time for Negotiations]**
**Mayor**

Motion extending time for negotiations pursuant to Charter Section 11.100.
3/4/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Introduced by the President at the Request of Departments

# PROPOSED ORDINANCES

**020249 [Settlement of Lawsuit]**
Ordinance authorizing settlement of the matter of Stephanie Fouchia v. City and County of San Francisco for $65,000. The lawsuit was filed on March 7, 2001, in San Francisco Superior Court, Case No. 319-456; entitled Stephanie Fouchia v. City and County of San Francisco. (City Attorney)
2/26/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020318 [Supplemental Appropriation, HIV/AIDS Services]**
**Supervisors Daly, Ammiano**

Ordinance appropriating $739,727 from the General Fund Reserve for service for persons living with AIDS and HIV to offset losses of federal funding under the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act for the Public Health Department in fiscal year 2001-02.

(Fiscal impact.)
2/27/02, RECEIVED AND ASSIGNED to Finance Committee.

**020319** **[Municipal Code Amendment - Deletion of Court Reporter Requirement for Board of Appeals]**
Ordinance amending the San Francisco Business and Tax Regulations Code by amending Section 11 to authorize the Board of Appeals to use the Department of Telecommunications and Information Technology's Citywatch Cable Channel 54 videotape as a record of the Board's proceedings in lieu of attendance at the hearing by a court reporter. (Board of Appeals)

2/27/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

## PROPOSED RESOLUTIONS

**020250** **[Amending San Francisco's CalWORKs County Plan - Cal-Learn]**
Resolution approving an amendment to San Francisco's CalWORKs County Plan to allow the San Francisco Department of Human Services to directly provide Cal-Learn case management services to pregnant and parenting teens receiving Temporary Aid to Needy Families. (Human Services Department)

2/27/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020252** **[2002 Finance Corporation Equipment Program]**
**Mayor**

Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an equipment lease Supplement No. 9 (Series 2002a Bonds) between the City and the County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to the equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed $9,000,000; providing for reimbursement to the City of certain city expenditures incurred prior to the issuance of Lease Revenue Bonds; and providing for the execution of documents in connection therewith and ratifying previous actions taken in connection therewith. (Mayor)

(Fiscal impact.)

2/27/02, RECEIVED AND ASSIGNED to Finance Committee.

**020320** **[Grant Federal Funds]**
Resolution authorizing the Municipal Transportation Agency Board to Accept and Expend $1,622,000 of Federal Congestion Mitigation and Air Quality (CMAQ) funding for the Bayview Connections project. (Municipal Transportation Agency)

2/27/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

## Requests Granted

*From: Supervisor Ammiano*
*To: City Attorney*
*Requesting/Inquiring: To draft a Charter Amendment to allow issuance of water, power and sewer revenue bonds under the jurisdiction of the Public Utilities Commission issued by the Board of Supervisors by a 2/3 vote, with the following restrictions: (1)The Controller, the Budget Analyst and the Mayor's Office of Public Finance must issue a joint report certifying that the PUC's bond rating could be lowered if proposed work is not completed and the cost of the work could increase if not undertaken immediately; (2) The PUC must issue a report certifying that the work is required to seismically reinforce the water or sewer system, replace aging systems that could collapse, repair or replace mission critical systems, increase system capacity or provide system redundancy; (3)· The work must have a certified Environmental Impact Report or Environmental Impact Statement; (4)· For single bond issues over $100 million, the voters can trigger a referendum; and (5) The Mayor and the Board of Supervisors are prohibited from transferring excess Hetch Hetchy revenues from the PUC to the General Fund for a period of 10 years.*

*From: Supervisor Ammiano*
*To: City Attorney*
*To: General Manager, Public Utilities Commission*
*Requesting/Inquiring: That the City Attorney, in consultation with the Public Utilities Commission, develop a list of proposed issues and a proposed structure for negotiations with Bay Area Water Users pertaining to the selection of capital improvement projects, the timeline for construction and shared financing for projects that benefit both San Francisco and Bay Area water users.*

*From: Supervisor Ammiano*
*To: Bay Area Water Users*
*Requesting/Inquiring: To respond to the Public Utilities Commission's proposed Capital Improvement Plan to the City's water and sewer infrastructure.*

*From: Supervisor Ammiano*
*To: General Manager, Public Utilities Commission*
*Requesting/Inquiring: Requesting the following information:*
*· An expedited plan, developed in conjunction with the Department of Human Resources, to hire engineers and related personnel required to deliver the PUC's Capital Improvement Program;*
*· Creation of a new Capital Improvement Program Construction Management Division within the PUC; and*
*· Creation of a Water and Sewer Capital Improvement Program Project Office in cooperation with the Department of Public Works to jointly manage and deliver Capital Improvement Program construction projects on time and on budget.*
*Due: March 31, 2002*

*From: Supervisor Daly*
*To: Mayor and All City Department Heads*
*Requesting/Inquiring: That the Mayor and All City Department Heads report on the job duties and responsibilities for all special assistants; specifically, requesting a copy of each job description for each position on the attached list prepared by the Controller's Office.*

*From: Supervisor Leno*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation requiring entities that lease parking lots to include in their leases a provision that operators be in compliance with City laws governing parking lot revenue collection and control equipment, and providing penalties for violation.*
*Also, requesting that legislation be drafted requiring the revocation of the business license of a corporation or entity operating a parking lot when the City has obtained a tax-collection judgment against it or is litigating a tax case against the principals of the corporation or entity.*

*From: Supervisor Peskin*
*To: Director, Planning Department*
*Requesting/Inquiring: To report on the possibility of including Interim Controls passed by the Board of Supervisors in Article 12 of the Planning Code. It appears that, currently, only Interim Controls passed by the Planning Commission are included in Article 12 of the Planning Code.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Lisa Elaine Ross (Supervisor Ammiano)*
*George Rylander (Supervisor Yee)*
*Rose C. Redmond (Supervisor Yee)*
*John Wieners (Supervisor Gonzalez)*
*Dr. A. Jess Shenson (Supervisor Leno)*
*Irwin McJunkins (Supervisor Daly)*
*George N. Hale, Jr. (Supervisor Leno)*
*Charles R. Bubb, Jr. (Supervisor Leno)*
*John O. Gantner (Supervisor Peskin)*

## ADJOURNMENT

*There being no further business, the Board at the hour of 3:28 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on May 6, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited*

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.
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**Thursday, March 7, 2002 – 9:00 AM**

**Herbst Theatre**
**401 Van Ness Avenue**
**San Francisco, CA 94102-4689**

**Special Meeting**

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*TOM AMMIANO, PRESIDENT*
*CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,*
*SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,*
*AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE*
*Gloria L. Young, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Maxwell | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 10

Minutes of Board of Supervisors Meeting

Homeless Summit[1]
Thursday, March 7, 2002
Herbst Theatre
401 Van Ness
San Francisco, CA 94102

**SPECIAL MEETING**
9:00 a.m.

Roll was called at 9:20 am

| Members Present: | Members Absent |
|---|---|
| Supervisor Ammiano | Supervisor Gonzalez |
| Supervisor Daly | Supervisor McGoldrick |
| Supervisor Hall | Supervisor Peskin |
| Supervisor Leno | Supervisor Sandoval |
| Supervisor Maxwell | Supervisor Yee |
| Supervisor Newsom | |

The Following speakers made remarks after the roll was called regarding the Homeless Summit:

Roberta Achtenberg,
    Vice-president for Public Policy, San Francisco Chamber of Commerce
Supervisor Tony Hall
Supervisor Gavin Newsom
Board of Supervisors President Tom Ammiano
The Honorable Chris Krohn, Mayor of Santa Cruz
Michael DeNunzio
    Member, Commission on Aging and Adult Services
Sharon Johnson, Chief of Staff, Senator John Burton
Supervisor Chris Daly

The Meeting of the Board adjourned for lack of quorum at 10:45 a.m.

Submitted by:

Rick Galbreath, Deputy Clerk, pro tem

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[1] The Homeless Summit was noticed as a Board Meeting to comply with state and local law in the event that a quorum of Board Members were to attend. There was neither a legislative item pending nor any matter introduced upon which the Board of Supervisors could take action.

## ADJOURNMENT

*The Board, at the hour of 10:45 a.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on* May 6, 2002.

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

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**Monday, March 11, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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***TOM AMMIANO, PRESIDENT***
***CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,***
***SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,***
***AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE***
***Gloria L. Young, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Maxwell | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 11

**Members Present:** Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Gavin Newsom, Gerardo Sandoval, Leland Y. Yee.

**Members Absent:** Tom Ammiano, Sophie Maxwell, Jake McGoldrick, Aaron Peskin.

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# ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date.*

*The meeting was called to order at 2:04 p.m. by the Clerk of the Board, Gloria L. Young. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Ammiano, Maxwell, McGoldrick, Newsom, Peskin - 5.*

*Quorum present.*

*Supervisor Ammiano was excused. (See infra.)*

*Supervisor Maxwell was excused. (See infra.)*

*Supervisor McGoldrick was excused. (See infra.)*

*Supervisor Newsom was noted present at 2:05 p.m.*

*Supervisor Peskin was excused. (See infra.)*

## Appointment of President Pro Tempore

**Supervisor Newsom, seconded by Supervisor Leno, moved to appoint Supervisor Yee President Pro Tempore. The motion carried by the following vote:**

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

## Supervisors Ammiano, Maxwell, McGoldrick, Peskin Excused from Attendance

**Supervisor Sandoval, seconded by Supervisor Daly, moved to excuse Supervisors Ammiano, Maxwell, McGoldrick, Peskin from attending this meeting. The motion carried by the following vote:**

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

# AGENDA CHANGES

*The President Pro Tempore inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled or considered differently.*

*The Clerk of the Board indicated the matter relating to the amendment to the Rules of Order, File 020385. (See infra.)*

*Supervisor Leno indicated the matter relating to the appointment of Michael Garcia, File 012088 and the Inclusionary Affordable Housing Program, File 001262. (See infra.)*

# CONSENT AGENDA

## Recommendations of the Finance Committee

**020247** **[Settlement of Lawsuit]**

Ordinance approving settlement of the lawsuit filed by the City and County of San Francisco, acting by and through its Airport Commission, against CalStar Retail, Inc., by payment by CalStar Retail Inc. to the City in the amount of $620,000 and other terms; the lawsuit was filed on August 7, 2001, in San Mateo County Superior Court, Case No. 417869, entitled City and County of San Francisco, acting by and through its Airport Commission v. CalStar Retail, Inc. (City Attorney)

**Ordinance No.** 26-02
**FINALLY PASSED**

**020147** **[Lease of SFPUC Property for Hotel Parking and Recreation Purposes]**

Resolution authorizing a Ten (10) Year Lease of Public Utilities Commission Land between the City and County of San Francisco and Los Altos Hotel Associates, in Santa Clara County. (Public Utilities Commission)

**Resolution No.** 177-02
**ADOPTED**

## Recommendation of the Public Works and Public Protection Committee

**020064** **[Modification of State Grant Conditions (MCJC)]**
**Mayor**

Resolution authorizing the Mayor's Criminal Justice Council (MCJC) modify San Francisco's comprehensive multi-agency juvenile justice plan, pursuant to Assembly Bill 1913 - known as the Schiff-Cardenas Crime Prevention Act of 2000 (CPA 2000) - in order to limit the scope of program evaluations in accordance with legislative mandates and budgetary restrictions. (Mayor)

**Resolution No.** 170-02
**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendation of the Neighborhood Services and Recreation Committee

012234 **[Shopping Carts]**
**Supervisors Newsom, Peskin**

Ordinance amending the San Francisco Public Works Code by adding Article 24, consisting of Sections 1400 through 1409, to declare unattended empty shopping carts on either public property or on private property without the owner's consent to be a nuisance, and authorizing the Department of Public Works to seize such shopping carts and charge impound and storage costs where the shopping carts are not retrieved by their owner within two days from the receipt of notice of the seizure; requiring a report from the Department of Public Works evaluating the success of its implementation of this ordinance.

**Ordinance No.** 32-02

**FINALLY PASSED by the following vote:**

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

# NEW BUSINESS

## Recommendation of the Finance Committee

**020086 [Legislative Analyst and Budget Analyst; Budget Consideration]**
**Supervisor Ammiano**

Motion directing the Office of the Legislative Analyst to pursue training from the City Controller and the Board of Supervisors Budget Analyst in how the City budget and budget process work; to coordinate with the Budget Analyst to review recent audits published by the Budget Analyst and the Controller to identify cost-saving measures identified in audits and other reports that have not been implemented; to provide staff support to policy and fiscal committees of the Board of Supervisors during hearings on budget-related matters; to prioritize such work over Board-approved motions or individual requests received by the Office until the FY 02-03 budget is approved by the Board of Supervisors and directing the Board of Supervisors Budget Analyst to coordinate with the Office of the Legislative Analyst on budget-related work; to continue to review the Mayor's balanced budget proposal in the month of June; to create a consent calendar procedure for Board Committees such that the Budget Analyst's reports on consent matters can be substantially reduced in order to provide additional Budget Analyst staff time to budget-related matters; and to explore other changes to its annual budget review designed to enhance the Board's budget review process.

**Motion No.** M02-40

**APPROVED by the following vote:**

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

## Recommendations of the Neighborhood Services and Recreation Committee

**011601 [Liquor License Transfer, 1438 Grant Avenue]**

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license in exchange for a Type 47 on-sale general eating place liquor license to Agnes Claire Kozel dba "SAVOY TIVOLI" located at 1438 Grant Avenue (District 3), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

**Resolution No.** 148-02

**ADOPTED by the following vote:**

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

**011754 [Community Courts Working Group]**
**Supervisors Newsom, Daly, McGoldrick**

Resolution creating a Central City Community Courts Working Group to be comprised of various stakeholders with the charge of making recommendations to the Mayor and the Board of Supervisors and setting forth the membership and duties of the working group.

*Supervisor Newsom requested this matter be re-referred to committee.*

**Supervisor Newsom, seconded by Supervisor Gonzalez, moved that this Resolution be RE-REFERRED to the Neighborhood Services and Recreation Committee. The motion carried by the following vote:**

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

**020105** **[Liquor License Transfer, 1337 Mission Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 1489 Folsom Street, to Pavel Vicevich dba "Red Eye" located at 1337 Mission Street (District 6), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Resolution No. 171-02

**ADOPTED by the following vote:**

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

**020143** **[Liquor License, 314-11th Street]**

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Robin Reichert dba "Transmission Theater" located at 314-11th Street (District 6), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

Resolution No. 168-02

**ADOPTED by the following vote:**

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

## Recommendation of the Public Works and Public Protection Committee

**020179** **[Sidewalk improvements on the west and east sides of Church Street between Duboce Avenue and Hermann Street]**

Resolution granting revocable permission to Bridge Housing Corporation to occupy a portion of the public right-of-way to construct and install sidewalk improvements, including new sidewalk pavers, new street trees with tree guards and grates and gaslight style pedestrian level lighting on the west side of Church Street; and new sidewalk pavers, new street trees with tree guards and grates, gaslight style pedestrian level lighting, new landscaping and new markers demarcating the entrances on the east side of Church Street, between Duboce Avenue and Hermann Street, in conjunction with the construction of the new affordable housing project at #1 Church Street (Block 0874, Lot 014) and making findings of consistency with the priority policies of Planning Code Section 101.1. (Public Works Department)

(District 5.)

Resolution No. 169-02

**ADOPTED by the following vote:**

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

## Recommendations of the Rules and Audits Committee

**011741 [Catastrophic Sick Leave Ordinance]**
**Supervisors Ammiano, Sandoval**

Ordinance repealing Section 16.9-29 of the San Francisco Administrative Code and replacing it with new Section 16.9-29A to authorize the transfer of vacation and sick leave credits to a pool of catastrophically ill employees and to individual catastrophically ill employees, and adding new Section 16.9-29B to authorize the transfer of vacation credits to individual employees with catastrophically ill family members.

**PASSED ON FIRST READING by the following vote:**
Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

**011875 [Amendments to Conflict of Interest Code]**

Ordinance amending Article III, Chapter 1 of the San Francisco Campaign and Governmental Conduct Code by adding Sections 3.1-168, 3.1-218, 3.1-423 and 3.1-424, amending Sections 3.1-109, 3.1-110, 3.1-170, 3.1-175, 3.1-215, 3.1-365, 3.1-410 and 3.1-435, and repealing Section 3.1-355 to update the list of designated officials who must file financial disclosure statements and to modify the applicable disclosure requirements. (City Attorney)

**PASSED ON FIRST READING by the following vote:**
Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

## Appointment of President Pro Tempore

*At the request of President Pro Tempore Yee, Supervisor Daly assumed the Chair for a brief period.*

*The President resumed the Chair shortly thereafter.*

**012088 [Appointment]**

Resolution appointing Michael Garcia, term to be determined, to the Ethics Commission.

Michael Garcia, new position, seat 1, must be a representative of the general public, term to be determined. (Supervisor Sandoval dissenting in Committee.)

*Supervisor Leno requested this matter be continued to March 18, 2002.*

**Supervisor Leno, seconded by Supervisor Hall, moved that this Motion be CONTINUED. The motion carried by the following vote:**
Ayes: 4 - Gonzalez, Hall, Leno, Newsom
Noes: 3 - Daly, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

## Recommendation of the Transportation and Commerce Committee

**001262** **[Inclusionary Affordable Housing Program]**
**Supervisors Leno, Gonzalez, Maxwell, Peskin**

Ordinance amending the San Francisco Planning Code to amend the variance provisions of Section 305, to add Sections 315 to 315.9 to establish requirements for all residential developments of 10 units or more to provide inclusionary housing units, and making findings.

(Supervisor Hall dissenting in Committee.)

*Supervisor Leno moved to continue consideration to March 18, 2002.*

**Supervisor Leno, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:**

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

## ROLL CALL FOR INTRODUCTIONS

*The following is a list of new Committee membership, effective March 4, 2002:*

*Finance Committee*
*Supervisors Peskin, Daly, Maxwell*

*Health and Human Services Committee*
*Supervisors Daly, Leno, Maxwell*

*Neighborhood Services and Recreation Committee*
*Supervisors Newsom, Leno, McGoldrick*

*Public Works and Public Protection Committee*
*Supervisors Sandoval, Yee, Gonzalez*

*Rules and Audits Committee*
*Supervisors Hall, Gonzalez, Sandoval*

*Transportation and Commerce Committee*
*Supervisors McGoldrick, Hall, Ammiano*

*Budget Committee*
*Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick*

*City and School District Committee*
*Supervisors Ammiano, Leno*

*First-named Supervisor is Chair, seconded-named Supervisor is Vice-Chair, of the Committee.*

## PUBLIC COMMENT

*Abdallah Megahed, homeless;*
*Vernon Jenkins, get out the votes;*
*Female speaker, supervisorial re-districting, chair of outreach committee;*
*Bruce Talison, emergency funds;*
*Male speaker, Glen Canyon Park;*
*Male speaker, homeless project;*
*Male speaker, homeless summit;*
*Josh Kaufman, speed bumps;*
*Arthur Evans, 24 Divisadero bus;*
*M. F. Chester, Samoan Visitacion Valley Community Center;*
*George R. Williams, homeless summit;*
*Ron Duggman, Museum Musiquee;*
*Rodney Callmens, various topics.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**020354** **[Reformation of the Calpine Contract]**
**Supervisors Leno, Daly**

Resolution urging the Public Utilities Commission and the City Attorney to reform or terminate San Francisco's contract with Calpine Energy Services, L.P. and urging the Public Utilities Commission and the City Attorney to take all appropriate steps to reform the CES contract, including filing a complaint at the Federal Energy Regulatory Commission and a civil lawsuit challenging the CES contract.

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 172-02
**ADOPTED**

**020372** **[Permitting Immigrants to the Federal Office Building]**
**Supervisors Ammiano, Daly**

Resolution urging the United States Federal Office Building and the Office of the Internal Revenue Service to permit entry into the building by immigrants regardless of their immigration status to carry on normal business in the building.

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 173-02
**ADOPTED**

**020373** **[State Grant - Planning Department]**
**Supervisors Gonzalez, Hall, Newsom**

Resolution authorizing the Planning Department to apply for and accept funds, in an amount not to exceed $50,000, from the California State Library, State of California, to aid in the preparation, adoption and implementation of a cultural preservation plan that promotes the preservation of Japantown in San Francisco.

*Supervisors Hall, Newsom requested to be added as co-sponsors.*

**Resolution No.** 174-02
**ADOPTED**

**020375** **[Recognition of Great American Meatout]**
**Supervisors Maxwell, Daly**

Resolution in recognition of The Great American Meatout, March 20, 2002.

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 175-02
**ADOPTED**

**020378** **[Commending Killing My Lobster]**
**Supervisors Sandoval, Daly**

Resolution commending Killing My Lobster for outstanding sketch comedy group performances and award-winning independent film production in the city of San Francisco.

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 176-02
**ADOPTED**

**020386** **[Extending Time for Negotiations]**
**Mayor**

Motion extending time for negotiations pursuant to Charter Section 11.100.

**Motion No.** M02-41
**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

## Severed From For Adoption Without Committee Reference

**020374** **[State Grant - Recreation and Park Department]**
**Supervisors Leno, Hall, Newsom**

Resolution authorizing the Recreation and Park Department to accept and expend a grant in the amount of $250,000 from the California State Coastal Conservancy for habitat restoration and trail improvements in Glen Canyon Park.

*Supervisor Leno requested this matter be severed so it could be considered separately.*

*Supervisors Hall, Newsom requested to be added as co-sponsors.*

*Supervisor Leno requested this matter be referred to committee.*
**REFERRED to the Neighborhood Services and Recreation Committee.**

**020376** **[Performance Audit Schedule]**
**Supervisor Hall**

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

*Supervisor Hall requested this matter be severed so it could be considered separately.*

*Supervisor Hall moved to continue consideration to March 18, 2002.*
**Supervisor Hall, seconded by Supervisor Leno, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 7 - Daly, Gonzalez, Hall, Leno, Newsom, Sandoval, Yee
Absent: 4 - Ammiano, Maxwell, McGoldrick, Peskin

**020385** **[Amendment to Rules of Order]**
**Supervisor Ammiano**

Motion amending the Rules of Order of the Board of Supervisors of the City and County of San Francisco to add Rule 6.2, which would allow for an orderly transition of outgoing and newly elected members of the Board of Supervisors.

*The Clerk of the Board requested this matter be severed so it could be considered separately.*

*Pursuant to Board of Supervisors' Rules of Order 4.38, this matter must be referred to committee.*
**REFERRED to the Rules and Audits Committee.**

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**020404 [MOU Amendment No. 1 - 2001-2003 Collective Bargaining between MEA and CCSF]**
**Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2001-2003 Collective Bargaining Agreement between the Municipal Executives' Association and the City and County of San Francisco by amending Article III.DD to incorporate the parties' agreement regarding the Management Compensation and Classification Plan. (Mayor)
3/11/02, RECEIVED AND ASSIGNED to Finance Committee.

**020405 [MOU Amendment No. 1 - 2001-2003 Collective Bargaining between IFPTE, Local 21 and CCSF]**
**Mayor**

Ordinance approving a settlement and adopting and implementing Amendment No. 1 to the 2001-2003 Collective Bargaining Agreement between the International Federation of Professional and Technical Engineers, Local 21 and the City and County of San Francisco by amending Article III.B.1.p to incorporate the parties' settlement of an interest arbitration proceeding over wage adjustments for professional architect and landscape architect classifications. (Mayor)
3/11/02, RECEIVED AND ASSIGNED to Finance Committee.

**020406 [Settlement of Lawsuits and Claims]**
**Mayor**

Ordinance approving a settlement between the International Federation of Professional and Technical Engineers, Local 21, the Municipal Executives' Association, and the City and County of San Francisco of litigation and administrative claims concerning the assignment of classifications to bargaining units and related disputes. (Mayor)
3/11/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020407 [General Obligation Bond Accountability Reports]**
**Supervisor Yee**

Ordinance amending Chapter 2, Article VIII of the Administrative Code of the City and County of San Francisco to provide additional further requirements for the expenditure of general obligation bond proceeds.
3/11/02, RECEIVED AND ASSIGNED to Finance Committee.
3/12/02, TRANSFERRED to Rules and Audits Committee.

**020412 [City to Pay for Postage of Absentee Ballots]**
**Supervisor Daly**

Ordinance amending the Municipal Elections Code to require that San Francisco pay for postage of absentee ballots cast by San Francisco voters.

(Fiscal impact.)
3/11/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020413** **[Redevelopment Agency]**
**Supervisor Daly**

Ordinance amending Administrative Code Chapter 24 "Redevelopment Agency" by declaring the Board of Supervisors to be Governing Body of the Redevelopment Agency of the City and County of San Francisco, thereby replacing the existing seven-member appointed Board, with findings in support (California Community Redevelopment Law, Health & Safety Code §§33000 et seq.); and establishing an eleven-member appointed Community Redevelopment Commission and delegating certain powers to the Commission.

3/11/02, ASSIGNED to Board of Supervisors. Board to sit as a Committee of the Whole on March 25, 2002, at 5:00 p.m.

**020414** **[Fire Department Work Schedule]**
**Supervisor Daly**

Ordinance amending Article II, Chapter 16, Sections 16.10 and 16.11 of the San Francisco Administrative Code to accurately reflect workdays for firefighters.

3/11/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 4/10/2002.

**020415** **[Homeless Outreach]**
**Supervisor Newsom**

Ordinance amending S.F. Administrative Code Chapter 20 to establish a coordinated, geographically based outreach program for homeless services.

3/11/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020416** **[Coordinated Intake for Homeless Programs]**
**Supervisor Newsom**

Ordinance amending S.F. Administrative Code Chapter 20 to establish a coordinated, centralized intake process for homeless services.

3/11/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020198** **[Determination of Fees at Harding Park and Fleming Golf Courses]**
**Supervisors Hall, Daly**

Ordinance amending Article XII of the San Francisco Park Code by adding Section 12.12 thereto setting forth a fee structure for Harding Park and Fleming Golf Courses.

2/4/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 3/6/2002.

3/11/02, ASSIGNED to Finance Committee.

3/11/02, SUBSTITUTED to Finance Committee. Supervisor Hall submitted a substitute ordinance bearing same title.

**020051** **[Amending Article 2.4 of the Public Works Code and Sections 10-100.230 and 11.9 of the Administrative Code Concerning Excavation in the Public Right-of-Way; Proposed Increases in Certain Fees]**
**Supervisors Peskin, Maxwell**

Ordinance amending Sections 2.4.2, 2.4.4, 2.4.10, 2.4.20.1, 2.4.20.2, 2.4.20.3, 2.4.23, 2.4.40, 2.4.41, 2.4.42, 2.4.45, 2.4.46, 2.4.50, 2.4.53, 2.4.55, 2.4.70, 2.4.80, 2.4.81, 2.4.83, and 2.4.85 of Article 2.4 of the Public Works Code, adding Sections 2.4.20.4 to Article 2.4 of the Public Works Code, and amending Sections 10.100-230 and 11.9 of the Administrative Code to modify and adopt new definitions; modify and adopt new procedures for permit application submission, permit conditions, and permit modifications; modify fees for administration of permit applications and inspection of excavations; provide for a report to the Board of Supervisors about such fees; create a process for inspection fee refunds; modify procedures for assessing penalties; establish a utility conditions permit fee; and make technical conforming amendments. (Public Works Department)

(Companion measure to Files 020133, 020134.)

1/9/02, RECEIVED AND ASSIGNED to Finance Committee.

3/11/02, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

3/11/02, ASSIGNED to Finance Committee.

## Resolutions

**020411** **[Federal grant funds for the reconstruction of the hillside on San Jose Avenue from Richland to Highland Avenue in San Francisco]**
**Supervisor Ammiano**

Resolution authorizing the Director of the Department of Public Works to accept and expend up to $230,553 in federal Emergency Relief funds with required local matching funds of $29,871 for reconstruction of the hillside at San Jose Avenue from Richland to Highland in the City and County of San Francisco.

3/11/02, RECEIVED AND ASSIGNED to Finance Committee. Sponsor requests this item be scheduled for consideration at the March 20, 2002 meeting.

**020417** **[SEIU Local 1877 Janitors]**
**Supervisors Sandoval, Daly**

Resolution urging San Francisco International Airport (SFO) to retain approximately 50 SEIU Local 1877 janitors responsible for the cleaning and maintenance of SFO parking garages.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020410 [Municipal Transportation Agency Leverage Lease Financing]**
**Mayor**

Resolution authorizing one or more defeased lease-to-service contract transactions with respect to up to 118 Breda light rail cars; approving the form of and authorizing the execution and delivery of one or more Participation Agreements setting forth the terms and conditions of the lease-to-service contract transactions relating to the rail cars; approving the form of and authorizing the execution and delivery of one or more Head Lease Agreements providing the terms and conditions pursuant to which the rail cars will be leased to one of up to 6 trusts; approving the form of and authorizing the execution and delivery of one or more Head Lease Supplements supplementing the terms and conditions pursuant to which specific rail cars will be leased to each trust; approving the form of and authorizing the execution and delivery of one or more Sublease Agreements providing the terms and conditions pursuant to which each trust will lease the rail cars back to the City to be operated and maintained by the City; approving the form of and authorizing the execution and delivery of one or more Sublease Supplements supplementing the terms and conditions pursuant to which the City will lease back the rail cars from each trust; approving the form of and authorizing the execution and delivery of one or more Payment Agreements providing the terms and conditions pursuant to which the City will provide for the payment of a portion of the sublease rent; approving the form of and authorizing the execution and delivery of an Equity Collateral Security Agreement and a Custody Agreement providing the terms and conditions pursuant to which the City will provide for a custody account to hold and a security interest in, certain securities for the payment of a portion of the sublease rent and the purchase option purchase price if the purchase option is or is deemed exercised; approving the form of and authorizing the execution and delivery of one or more Support and Access Agreements providing the terms and conditions pursuant to which the City will provide each trust support and access to certain property if the City chooses not to purchase the rail cars at the end of the "base" sublease term; approving the form of and authorizing the execution and delivery of one or more Agreements for Assignment on Default each of which will provide the lender with an option to purchase, and take an assignment from an equity investor, such equity investor's beneficial interest in the trust estate upon the occurrence of a trigger event (as such term is defined in said Agreement); approving the form of and authorizing the execution and delivery of one or more Tax Indemnification Agreements providing the terms and conditions pursuant to which the City will indemnify each equity investor for income inclusions or losses of tax benefits; approving the form of and authorizing the execution and delivery of one or more Insurance and Indemnity Agreements providing the terms and conditions pursuant to which the City will indemnify each strip surety provider; approving indemnification of various parties; acknowledging the waiver of the City's right to jury trial under certain circumstances; acknowledging proposed waiver requests pursuant to Sections 12B.5-1(d) and 12C.5-1(d) of the San Francisco Administrative Code; finding that the lease-to-service contract transaction is designed to reduce the amount or duration of payment or similar risk to the City or enhance the relationship between risk and return with respect to investments made pursuant to or in connection with such transaction; approving and authorizing the execution and delivery of any document necessary to implement this Resolution; authorizing the execution and delivery of documents in conforming sets for one or more equity investors; ratifying and approving any action heretofore taken in connection with the transaction contemplated by this Resolution; and related matters. (Mayor)

3/11/02, RECEIVED AND ASSIGNED to Finance Committee.

**020418 [State Grant - Recreation and Park Department]**
**Supervisors Leno, Hall**

Resolution authorizing the Recreation and Park Department to accept and expend a grant in the amount of $250,000 from the California State Coastal Conservancy for habitat restoration and trail improvements in Glen Canyon Park.

3/11/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**020419** **[Appointment of Major General James M. Myatt]**
**Mayor**

Resolution approving the Mayor's appointment of Major General James M. Myatt to the Telecommunications Commission, for the term ending July 1, 2002. (Mayor)
3/11/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020420** **[State Grant - Public Utilities Commission]**
**Mayor**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission and the Executive Director of the Department of Parking and Traffic to apply for, accept and expend low interest loans from the California Energy Commission to support peak load reduction projects for City facilities. (Mayor)
3/11/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020421** **[Positive Pedaler Day]**
**Supervisor Ammiano**

Resolution declaring March 20, 2002 "Positive Pedaler Day" in San Francisco.
3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020422** **[SFSKIDS.com Day]**
**Supervisor Ammiano**

Resolution declaring March 14, 2002 "SFSKIDS.com Day" in San Francisco.
3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020425** **[Senate Bill 1528]**
**Supervisor Newsom**

Resolution urging the State Legislature to adopt Senate Bill 1528 introduced by Senator Edward Vincent, relating to an act to amend Section 22435.7 of the Business and Professions Code, relating to shopping carts.
3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020426** **[Appointment - Regional Aviation Work Group]**
**Supervisor Peskin**

Resolution appointing Supervisor Jake McGoldrick to the Federal Aviation Administration (FAA) sponsored Regional Aviation Work Group, and appointing Supervisor Aaron Peskin as his alternate. This Work Group will advise the FAA Office of System Capacity with a comprehensive assessment of commercial air traffic routes and procedures and resulting environmental effects on the Bay Area.
3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020427 [Dept. of Elections to Rectify Shortcomings]**
**Supervisors Yee, Gonzalez, Peskin**

Resolution directing the Department of Elections to rectify shortcomings in the Electoral Process made evident in the March 5 Primary Elections, and to report its plans and timetable for rectification of these shortcomings to the Board of Supervisors.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020428 [Commend - Youth Leadership Institute]**
**Supervisors Leno, Newsom**

Resolution commending the Youth Leadership Institute on its 10th Anniversary.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020429 [Commend - Out in the Cold]**
**Supervisors Leno, Newsom**

Resolution commending the directors, producers and sponsors of "Out in the Cold," a documentary film about runaway gay, lesbian, bisexual and transgender youth in America.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020433 [Commend - Miss Teen Chinatown]**
**Supervisors Sandoval, Newsom**

Resolution commending the Miss Teen Chinatown Contest on April 6, 2002.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020409 [Public Hearing - Declaring the Board of Supervisors to be the Governing Body of the Redevelopment Agency]**

Public hearing relating to consideration and adoption of the ordinance declaring the Board of Supervisors to be the Governing Body of the Redevelopment Agency for the City and County of San Francisco, thereby replacing the existing seven-member appointed Board; and establishing an eleven-member appointed Community Redevelopment Commission and delegating certain powers to the Commission. (Clerk of the Board)

(Companion measure to File 020413.)

3/11/02, SCHEDULED FOR PUBLIC HEARING. For public hearing Monday, March 25, 2002, at 5:00 p.m.

**020431** **[Implementation of Prop A]**
**Supervisor Gonzalez**

Hearing on the implementation of the voter approved Proposition A, a charter amendment instituting Instant Run-off Voting for San Francisco Municipal Elections.
3/11/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020432** **[SF Public Library 2002-03 Proposed Budget]**
**Supervisor Newsom**

Hearing to consider a report issued by the Office of the Controller and to have a policy-driven budget discussion regarding the budget, performance measures and other basic data for Fiscal Year 2002-03 of the San Francisco Public Library.
3/11/02, RECEIVED AND ASSIGNED to Budget Committee.

**020430** **[Recreation and Park 2002-03 Proposed Budget]**
**Supervisor Newsom**

Hearing to discuss the overall proposed budget of the Recreation and Park Department for Fiscal Year 2002-03, including, but not limited to, the mission, goals and objectives of the Department.
3/11/02, RECEIVED AND ASSIGNED to Budget Committee.

**020434** **[Recreation and Park Dog Policy]**
**Supervisor Yee**

Hearing regarding the February 25, 2002 draft of the Recreation and Park Department Dog Policy.
3/11/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

## Motions

**020403** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020408** **[Amending Rule 3.11 of the Rules of Order of the Board of Supervisors]**
Motion amending Rule 3.11 of the Rules of Order of the Board of Supervisors to provide that when a continued resolution is placed on the adoption without committee reference portion of the Board's agenda, and the Board declines to waive Rule 2.11, which requires the referral of all legislative matters to committee, then the Board shall not vote on the proposed resolution, and the Clerk of the Board shall refer the resolution to committee. (Clerk of the Board)
3/11/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020423** **[Audit, Affordable Housing and Homeownership Bond Program]**
**Supervisor Newsom**

Motion directing the Budget Analyst to prepare an audit of the $100 Million authorized by the voters in November of 1996 under the Affordable Housing and Homeownership Bond Program, otherwise known as Proposition A.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020435** **[Budget Analyst - Best Practices for Issuance of Debt for Capital Improvements]**
**Supervisor Ammiano**

Motion directing the Board of Supervisors Budget Analyst, in conjunction with the Office of the Legislative Analyst, to review the best practices for financing large capital improvement projects at municipal utilities in the State of California and at state agencies performing similar utility construction projects; directing the Budget Analyst, in consultation with the Mayor's Office of Public Finance, to interview analysts at bond rating agencies to determine the outlook for the San Francisco Public Utilities Commission ("PUC") bond ratings for the Water and Clean Water enterprises, and to determine recommended steps to improve bond ratings for the water and sewer enterprises; directing the Budget Analyst to calculate potential savings in potential interest payments for the PUC's proposed capital improvement program if bond ratings for the Water and Clean Water enterprises increase to their former levels; and directing the Budget Analyst to report back to the Board of Supervisors by May 31, 2002.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020436** **[Budget Analyst Review of November 1996's Proposition A]**
**Supervisor Hall**

Motion requesting that the Budget Analyst undertake an expedited review of November 1996's Proposition A by auditing already expended and/or committed funds.

3/11/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Introduced by the President at the Request of Departments

## PROPOSED ORDINANCES

**020110** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Fannie Williams, Mariah Gorge (a minor by and through her Guardian ad litem Fannie Williams), Brenda Williams against the City and County of San Francisco for $175,000; the lawsuit was filed on February 2, 1998 in San Francisco Superior Court, Case No. 992-174; entitled Fannie Williams, et al., v. Les Adams, City and County of San Francisco, et al; other material term of said settlement is waiver of $45,522.01 lien to San Francisco General Hospital. (City Attorney)

3/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020255 **[Settlement of Lawsuit]**

Ordinance authorizing §998 offer of judgment in the lawsuit filed by Frank Rodriguez against the City and County of San Francisco for $30,001.00; the lawsuit was filed on October 11, 2001 in San Francisco Superior Court, Case No. 400-133; entitled Frank Rodriguez, v. City and County of San Francisco, et al. (City Attorney)

3/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020322** **[Traffic Code - Shifting of Parked Vehicles]**

Ordinance amending San Francisco Traffic Code Section 64 regarding the distance a vehicle must be moved upon expiration of a limited parking period to avoid being deemed to have remained stationary. (Parking and Traffic Department)

(4/11/02 Categorically Exempt from Environmental Review - non-physical exemption)

2/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

020324 **[Bicycle Lane - Parking Prohibition]**

Ordinance amending San Francisco Traffic Code Section 38.N establishing a fine structure for parking in a bicycle lane and deleting exceptions for Emergency Vehicles, Public Utility Vehicles and Commercial Vehicles.

(Companion measure to File 020325.)

2/28/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 4/10/2002.

020327 **[General Plan Amendment]**

Ordinance amending the text of the Downtown Element, Objective 12 (Conserve Resources that Provide Continuity with San Francisco's Past), of the City's General Plan to permit transfer of Transferable Development Rights (TDR) from historic/landmark structures within the Yerba Buena Center Redevelopment Project Area to C-3-O zoning districts; adopting findings relating to CEQA and Planning Code Section 101.1 Priority Policies. (Planning Department)

(Planning Commission Resolution No. 16345 adopted February 14, 2002, Case No. 02.1151TT; companion measure to File 020328.)

3/4/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 4/10/2002.

**020328** **[Transferable Development Rights]**

Ordinance amending the San Francisco Planning Code by amending Section 128(c) to permit transfer of Transferable Development Rights (TDR) from historic/landmark structures within the Yerba Buena Center Redevelopment Project Area to C-3-O zoning districts; adopting findings relating to CEQA and Planning Code Section 101.1. (Planning Department)

3/4/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 4/10/2002.

020330 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Miguel Martinez (Barrera) against the City and County of San Francisco for $412,500.00; the lawsuit was filed on June 23, 2000 in Superior Court, Case No. 313-139; entitled Miguel Martinez (Barrera) vs.City and County of San Francisco, et al. (City Attorney)

3/6/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020331** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Rosa Corrales against the City and County of San Francisco for $500,000.00; the lawsuit was filed on October 3, 2000 in San Francisco Superior Court, Case No. 315-584; entitled Rosa Corrales v. Regents of the University of California, et al; there are no other material terms to said settlement. (City Attorney)

3/6/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020334** **[Changing the designation of 333 Sacramento Street from a Category V Building to a Category IV Building]**

**Supervisor Peskin**

Ordinance changing the designation of 333 Sacramento Street from Category V (Unrated) to Category IV (Contributory) pursuant to Article 11 of the Planning Code. (Planning Department)

(Planning Commission Resolution No. 16322 adopted January 10, 2002 (Case No. 2001.0898G), recommending approval of above ordinance; Landmark Preservation Advisory Board Resolution No. 551 dated December 5, 2001, recommending the proposed change in Article 11 designation of the property and recommending Planning Commission approval.)

3/6/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

## PROPOSED RESOLUTIONS

**020109** **[Coordinated and comprehensive services for youth engaged in or at high risk of committing juvenile crime]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH), Community Substance Abuse Services (CSAS), to accept retroactively and expend funds in the amount of $154,402 for the first year of a three year grant from the California Department of Alcohol and Drug Programs (CADP) to reduce youth violence and substance abuse in San Francisco; for the period of June 28, 2001 to June 30, 2002. (Public Health Department)

3/4/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Department requests this item be calendared at the March 21, 2002 meeting.

**020325** **[Establishing Penalty for Vehicles Parked in Bicycle Lanes]**

Resolution establishing a $50 penalty for vehicles in violation of Section 38N (a) and a $100 penalty for violation of Section 38N (b) of the San Francisco Traffic Code relating to stopping, standing or parking vehicles in designated bicycle lanes. (Parking and Traffic Department)

(4/11/02 Categorically Exempt from Environmental Review - non-physical exemption)

2/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020333** **[Outreach Advertising]**

Resolution approving additional funds for outreach advertising in fiscal year 2001-2002. (Purchaser)

3/6/02, RECEIVED AND ASSIGNED to Finance Committee.

## Requests Granted

*From: Supervisor Gonzalez*
*To: City Attorney*
*Requesting/Inquiring: To clarify why the age and residency waivers currently in place for advisory bodies and commissions, established by legislative act were not initially authorized for commissions established and governed by the City Charter.*

*From: Supervisor Gonzalez*
*To: City Attorney*
*Requesting/Inquiring: To draft an ordinance amending Article II, Section 220 of the San Francisco Elections Code to allow a candidate who is advancing to a runoff election to submit a new Candidate Qualification Statement.*

*From: Supervisor Hall*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation that prohibits campaigns from leaving recorded messages at individual residences and work places.*

*From: Supervisor Hall*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: To investigate and report on the feasibility of a four-way stop sign at the intersection of Ulloa and Madrone, and an all-way stop at 16th and Noriega.*

*From: Supervisor Sandoval*
*To: Director, Caltrans*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: To write a letter to Caltrans and the Department of Parking and Traffic to inquire about repainting the arrows for the Geneva/Cow Palace exit from northbound I-280, which would allow drivers to make a right turn onto Geneva Avenue from both lanes.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Celesta Delle Sedie (Supervisor Newsom)*
*Shirley E. Roos (Supervisor Yee)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 3:27 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on May 6, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited*

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT
NOV 15 2002
SAN FRANCISCO
PUBLIC LIBRARY

**Monday, March 18, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular meeting**

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*TOM AMMIANO, PRESIDENT*
*CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,*
*SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,*
*AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE*
*Gloria L. Young, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Maxwell | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 12

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

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# ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Maxwell, McGoldrick, Sandoval, Yee - 4.*

*Quorum present.*

*Supervisor Maxwell was noted present at 2:02 p.m.*

*Supervisor McGoldrick was noted present at 2:02 p.m.*

*Supervisor Sandoval was noted present at 2:05 p.m.*

*Supervisor Yee was noted present at 2:01p.m.*

# APPROVAL OF MEETING MINUTES

**Supervisor Leno, seconded by Supervisor Gonzalez, moved to approve the January 28 and February 4, 2002 Meeting Minutes. The motion carried by the following vote:**

Ayes: 7 - Ammiano, Daly, Gonzalez, Hall, Leno, Newsom, Peskin
Absent: 4 - Maxwell, McGoldrick, Sandoval, Yee

## Privilege of the Floor

**Supervisor Hall, seconded by Supervisor Sandoval, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Introduction of Guests

*Supervisor Hall introduced, welcomed and presented a Certificate of Honor to Sgt. Joe Hennon, New York City Police Department.*

*Supervisor Sandoval presented a commendation to Ken Harrison, San Francisco Sheriff's Department.*

## AGENDA CHANGES

*The President inquired if there we any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*There were none.*

## CONSENT AGENDA

### Recommendation of the Finance Committee

**020244** **[Lease Agreement - Breda Transportation, Inc.]**

Resolution approving a lease agreement with Breda Transportation, Inc. and the City and County of San Francisco operating by and through the San Francisco Port Commission for shed space, loading dock space and office space at Pier 80, San Francisco, California. (Port)

**Resolution No.** 180-02
**ADOPTED**

### Recommendations of the Rules and Audits Committee

**011741** **[Catastrophic Sick Leave Ordinance]**
**Supervisors Ammiano, Sandoval**

Ordinance repealing Section 16.9-29 of the San Francisco Administrative Code and replacing it with new Section 16.9-29A to authorize the transfer of vacation and sick leave credits to a pool of catastrophically ill employees and to individual catastrophically ill employees, and adding new Section 16.9-29B to authorize the transfer of vacation credits to individual employees with catastrophically ill family members.

**Ordinance No.** 34-02
**FINALLY PASSED**

**011875** **[Amendments to Conflict of Interest Code]**

Ordinance amending Article III, Chapter 1 of the San Francisco Campaign and Governmental Conduct Code by adding Sections 3.1-168, 3.1-218, 3.1-423 and 3.1-424, amending Sections 3.1-109, 3.1-110, 3.1-170, 3.1-175, 3.1-215, 3.1-365, 3.1-410 and 3.1-435, and repealing Section 3.1-355 to update the list of designated officials who must file financial disclosure statements and to modify the applicable disclosure requirements. (City Attorney)

**Ordinance No.** 35-02
**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee
Absent: 1 - Sandoval

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Rules and Audits Committee

012088 **[Appointment]**

Resolution appointing Michael Garcia, term to be determined, to the Ethics Commission.

Michael Garcia, new position, seat 1, must be a representative of the general public, term to be determined. (Supervisor Sandoval dissenting in Committee.)

*The Deputy City Attorney advised this matter should be acted upon by motion rather than a resolution.*

**Supervisor Sandoval, seconded by Supervisor McGoldrick, moved that this Motion be RE-REFERRED to the Rules and Audits Committee. The motion carried by the following vote:**

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 4 - Gonzalez, Hall, Leno, Newsom

### Appointment of President Pro Tempore

*At the request of the President, Supervisor Daly assumed the Chair so the President could participate in the debate from the floor concerning the following item.*

*The President resumed the Chair shortly thereafter.*

## Recommendation of Transportation and Commerce Committee

**001262 [Inclusionary Affordable Housing Program]**
**Supervisors Leno, Gonzalez, Maxwell, Peskin**

Ordinance amending the San Francisco Planning Code to amend the variance provisions of Section 305, to add Sections 315 to 315.9 to establish requirements for all residential developments of 10 units or more to provide inclusionary housing units, and making findings.

(Supervisor Hall dissenting in Committee.)

*Supervisor McGoldrick moved to amend on Page 29, line 25, delete "solely"; after "to" insert "(1)"; on Page 30 line 1, replace "subjection" with "subject"; Page 30, line 1, after "Section" insert "and (2) pay the expenses of the Mayor's Office of Housing in connection with monitoring and administering compliance with the requirements of the Program. Monitoring and administrative expenses shall be appropriated through the annual budget process or supplemental appropriation for the Mayor's Office of Housing."*

**Supervisor McGoldrick, seconded by Supervisor Sandoval, moved that this Ordinance be AMENDED. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Hall

*Supervisor Daly moved to amend on Page 34, line 23 after "housing" add "The Mayor's Office of Housing shall also study the cost of developing market-rate housing and the market price for sale and rental of such housing. Based on this data, the Mayor's Office of Housing shall determine the median and average profit margins for developers of for-profit housing. The Mayor's Office shall also make a determination whether levels of affordability can be increased pursuant to Finding J."*

**Supervisor Daly, seconded by Supervisor Leno, moved that this Ordinance be AMENDED. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 2 - Hall, Newsom

*Supervisor Leno moved to amend on Page 15, line 5 replace "city" with "City".*

**Supervisor Leno, seconded by Supervisor Newsom, moved that this Ordinance be AMENDED. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Hall

*Supervisors McGoldrick, Sandoval, Daly and Ammiano requested to be added as co-sponsors.*

*The roll was then called on the pending ordinance as amended.*

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Hall

# NEW BUSINESS

## Recommendations of the Finance Committee

020051 **[Amending Article 2.4 of the Public Works Code and Sections 10-100.230 and 11.9 of the Administrative Code Concerning Excavation in the Public Right-of-Way; Proposed Increases in Certain Fees]**
**Supervisors Peskin, Maxwell**

Ordinance amending Sections 2.4.2, 2.4.4, 2.4.10, 2.4.20.1, 2.4.20.2, 2.4.20.3, 2.4.23, 2.4.40, 2.4.41, 2.4.42, 2.4.45, 2.4.46, 2.4.50, 2.4.53, 2.4.55, 2.4.70, 2.4.80, 2.4.81, 2.4.83, and 2.4.85 of Article 2.4 of the Public Works Code, adding Sections 2.4.20.4 to Article 2.4 of the Public Works Code, and amending Sections 10.100-230 and 11.9 of the Administrative Code to modify and adopt new definitions; modify and adopt new procedures for permit application submission, permit conditions, and permit modifications; modify fees for administration of permit applications and inspection of excavations; provide for a report to the Board of Supervisors about such fees; create a process for inspection fee refunds; modify procedures for assessing penalties; establish a utility conditions permit fee; and make technical conforming amendments. (Public Works Department)

(Companion measure to Files 020133, 020134.)

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020133 **[Funding to improve services of the Street Construction Coordination Center]**
**Supervisors Peskin, Maxwell**

Ordinance appropriating $66,255 from Excavation Fees to increase services of the Street Construction Coordination Center for the Public Works Department for fiscal year 2001-02. (Public Works Department)

(Companion measure to Files 20051 and 020134.)

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020134 **[Public Employment]**
Ordinance amending Ordinance No. 171-01 (Annual Salary Ordinance 2001/02) reflecting the creation of four positions at the Department of Public Works. (Human Resources Department)

(Fiscal impact.)

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020246** **[Safety Retirement]**

Resolution implementing MOU provision and authorizing an amendment to correct an error in the contract between the Board of Administration of the Public Employees' Retirement System and the Board of Supervisors of the City and County of San Francisco. (Human Resources Department)

**Resolution No.** 181-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## SPECIAL ORDER 3:00 P.M.

**020391** **[Women's History Month]**
**Supervisor Ammiano**

Women's History Month Recognition Ceremony.

*The 2002 Women Making History Honorees are:*

*Josse Andrei, honored by Supervisor Gonzalez;*
*Sasha Bitner, honored by Supervisor Ammiano;*
*Irene A. Crescio, honored by Supervisor Maxwell;*
*Tho T. Do, honored by Supervisor McGoldrick;*
*Minnie Goldrath, honored by Supervisor Sandoval;*
*Norma Hotaling, honored by Supervisor Newsom;*
*Jean Kortum, honored by Supervisor Peskin;*
*Jane Kwong, honored by Supervisor Yee;*
*Andrea R. Martin, honored by Supervisor Leno;*
*Judith Terracina, honored by Supervisor Hall;*
*Doris Ward, honored by Supervisor Daly.*
**FILED.**

## PUBLIC COMMENT

*Abdallah Megahed, advocating for the homeless;*
*Gerald, Local 37;*
*Francisco Naverro, Francisco Rosales, Male speaker, janitors;*
*Male speaker, homeless;*
*Julia Roth, problem of homelessness;*
*Leeshai Lamish, Female speaker, Chun Lee, supporting Falun Gong;*
*Eunice Booker, lien against house, minor code violation removal;*
*Rev. J. D. Benson, homelessness;*
*Joshua Kaufman, lack of money is not a crime;*
*Dennis Senatee, homeless, subsidized housing;*
*James Chaffee, San Francisco Library Foundation;*
*Rev. Mackwitter Green, homeless.*

## CLOSED SESSION

## CONFERENCE WITH CITY ATTORNEY - Existing Litigation

**020321** **[Existing Litigation]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following lawsuits involving challenges to the City's Minority/Women/Local Business Utilization Program:

Coral Construction, Inc. v. San Francisco
San Francisco Superior Court No. 319549
Date Filed: 9/12/00

San Francisco v. Scott
Santa Clara County Superior Court, No. 787-323
Date Filed: 9/21/99 (City Attorney)

**Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*Recess*

*The Board recessed at the hour of 5:17 p.m. to convene in closed session pursuant to the above motion.*

*Reconvening of the Board*

*The Board at the hour of 5:33 p.m. reconvened.*

*Calling the Roll*

*The following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee - 10.*

*Noted absent: Supervisor McGoldrick -1.*

*Quorum present.*

*Report on Closed Session*

*Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.*

*Persons in attendance:*
*Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee;*
*Deputy City Attorneys Randy Riddle, Mara Rosales, Ted Lakey;*
*Gloria L. Young, Clerk of the Board;*
*Gregoire Hobson, Deputy Clerk.*

*The meeting was informational only and no action was taken.*

*[Elect Not to Disclose]*
*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.*

**Supervisor Daly, seconded by Supervisor Newsom, moved to not disclose its closed session deliberations. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 1 - McGoldrick

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

020394 **[Commend - Delancey Street Foundation]**
**Supervisors Sandoval, Daly, Newsom**

Resolution commending Delancey Street Foundation on their 30-year anniversary of service to the community.

*Supervisors Daly, Newsom requested to be added as co-sponsors.*

**Resolution No.** 182-02
**ADOPTED**

020421 **[Positive Pedaler Day]**
**Supervisor Ammiano**

Resolution declaring March 20, 2002 "Positive Pedaler Day" in San Francisco.

**Resolution No.** 184-02
**ADOPTED**

020422 **[SFSKIDS.com Day]**
**Supervisor Ammiano**

Resolution declaring March 14, 2002 "SFSKIDS.com Day" in San Francisco.

**Resolution No.** 185-02
**ADOPTED**

020425 **[Senate Bill 1528]**
**Supervisor Newsom**

Resolution urging the State Legislature to adopt Senate Bill 1528 introduced by Senator Edward Vincent, relating to an act to amend Section 22435.7 of the Business and Professions Code, relating to shopping carts.

**Resolution No.** 186-02
**ADOPTED**

020428 **[Commend - Youth Leadership Institute]**
**Supervisors Leno, Newsom**

Resolution commending the Youth Leadership Institute on its 10th Anniversary.

*Supervisor Newsom requested to be added as co-sponsor.*

**Resolution No.** 189-02
**ADOPTED**

020429 **[Commend - Out in the Cold]**
**Supervisors Leno, Newsom**

Resolution commending the directors, producers and sponsors of "Out in the Cold," a documentary film about runaway gay, lesbian, bisexual and transgender youth in America.

*Supervisor Newsom requested to be added as co-sponsor.*

**Resolution No.** 190-02
**ADOPTED**

**020433** **[Commend - Miss Teen Chinatown]**
**Supervisors Sandoval, Newsom**

Resolution commending the Miss Teen Chinatown Contest on April 6, 2002.

*Supervisor Newsom requested to be added as co-sponsor.*

**Resolution No.** 179-02
**ADOPTED**

**020396** **[Final Map for a 11 Unit Mixed Use Condominium Project]**
Motion approving Final Map of 3365 20th Street, a Mixed Use Condominium Project, being a subdivision of Lot 33, Assessor's Block No. 3611, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,428; District 9.)

**Motion No.** M02-43
**APPROVED**

**020397** **[SF Youth Commission and two City staff members attendance at the Global Youth Service Day event in Taiwan]**
Motion authorizing the attendance of three members of the San Francisco Youth Commission, and two City staff members, at the April 26-28, 2002, Global Youth Service Day event in Taiwan. (Clerk of the Board)

**Motion No.** M02-44
**APPROVED**

**020403** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

**Motion No.** M02-45
**APPROVED**

**020423** **[Audit, Affordable Housing and Homeownership Bond Program]**
**Supervisor Newsom**

Motion directing the Budget Analyst to prepare an audit of the $100 Million authorized by the voters in November of 1996 under the Affordable Housing and Homeownership Bond Program, otherwise known as Proposition A.

**Motion No.** M02-46
**APPROVED**

**020436** **[Budget Analyst Review of November 1996's Proposition A]**
**Supervisor Hall**

Motion requesting that the Budget Analyst undertake an expedited review of November 1996's Proposition A by auditing already expended and/or committed funds.

**Motion No.** M02-48
**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Severed From For Adoption Without Committee Reference

**020376** **[Performance Audit Schedule]**
**Supervisor Hall**

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

*Supervisor Ammiano requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.*

*Supervisor Ammiano moved to amend on Page 1, line 23, after "progress" insert "best practices for hiring and contracting to carry out the Public Utilities Commission Capital Improvement Program, including current obstacles to expedite hiring".*

**President Ammiano, seconded by Supervisor Peskin, moved that this Motion be AMENDED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*Supervisor Hall moved to amend on Page 2, line 3, after "Controls" insert "November 1996 Proposition A".*

**Supervisor Hall, seconded by Supervisor Newsom, moved that this Motion be AMENDED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**Motion No.** M02-42

**APPROVED AS AMENDED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020417** **[SEIU Local 1877 Janitors]**
**Supervisors Sandoval, Daly**

Resolution urging San Francisco International Airport (SFO) to retain approximately 50 SEIU Local 1877 janitors responsible for the cleaning and maintenance of SFO parking garages.

*Supervisor Sandoval requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.*

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 183-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020426** **[Appointment - Regional Aviation Work Group]**
**Supervisor Peskin**

Resolution appointing Supervisor Jake McGoldrick to the Federal Aviation Administration (FAA) sponsored Regional Aviation Work Group, and appointing Supervisor Aaron Peskin as his alternate. This Work Group will advise the FAA Office of System Capacity with a comprehensive assessment of commercial air traffic routes and procedures and resulting environmental effects on the Bay Area.

*Supervisor Peskin requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.*

*Supervisor Sandoval, seconded by Supervisor Leno, moved to excuse Supervisors McGoldrick and Peskin from voting on this item.*

*There being no objection, the motion to excuse Supervisors McGoldrick and Peskin from voting was adopted.*

*The roll was then called on the pending resolution.*

**Resolution No.** 187-02

**ADOPTED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Sandoval, Yee
Excused: 2 - McGoldrick, Peskin

**020427** **[Dept. of Elections to Rectify Shortcomings]**
**Supervisors Yee, Gonzalez, Peskin**

Resolution directing the Department of Elections to rectify shortcomings in the Electoral Process made evident in the March 5 Primary Elections, and to report its plans and timetable for rectification of these shortcomings to the Board of Supervisors.

*Supervisor Gonzalez requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.*

*Supervisors Gonzalez and Peskin requested to be added as co-sponsors.*

**Resolution No.** 188-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020435 [Budget Analyst - Best Practices for Issuance of Debt for Capital Improvements]**
**Supervisor Ammiano**

Motion directing the Board of Supervisors Budget Analyst, in conjunction with the Office of the Legislative Analyst, to review the best practices for financing large capital improvement projects at municipal utilities in the State of California and at state agencies performing similar utility construction projects; directing the Budget Analyst, in consultation with the Mayor's Office of Public Finance, to interview analysts at bond rating agencies to determine the outlook for the San Francisco Public Utilities Commission ("PUC") bond ratings for the Water and Clean Water enterprises, and to determine recommended steps to improve bond ratings for the water and sewer enterprises; directing the Budget Analyst to calculate potential savings in potential interest payments for the PUC's proposed capital improvement program if bond ratings for the Water and Clean Water enterprises increase to their former levels; and directing the Budget Analyst to report back to the Board of Supervisors by May 31, 2002.

*Supervisor Ammiano requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.*

*Supervisor Ammiano presented an amendment of the whole bearing new title.*
**President Ammiano, seconded by Supervisor McGoldrick, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Motion directing the Board of Supervisors Budget Analyst, in conjunction with the Office of the Legislative Analyst and the San Francisco Public Utilities Commission ("PUC"), to review the best practices for financing large capital improvement projects at municipal utilities in the State of California and at state agencies performing similar utility construction projects; directing the Budget Analyst, in consultation with the Mayor's Office of Public Finance and the PUC, to interview analysts at bond rating agencies to determine the outlook for PUC bond ratings for the Water and Clean Water enterprises, and to determine recommended steps to improve bond ratings for the water and sewer enterprises; directing the Budget Analyst to calculate potential savings in potential interest payments for the PUC's proposed capital improvement program if bond ratings for the Water and Clean Water enterprises increase to their former levels; and directing the Budget Analyst to report back to the Board of Supervisors by May 31, 2002.

**Motion No.** M02-47
**APPROVED AS AMENDED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## OFF-AGENDA LEGISLATION

### Introduced by Supervisors or Mayor

### Ordinances

**011575 [Rent Ordinance Amendments]**
**Supervisor Daly**

Ordinance amending the Rent Ordinance (Administrative Code Chapter 37, Residential Rent Stabilization and Arbitration Ordinance) by amending Sections 37.9B and 37.10A to provide additional protections to tenants, and to conform to state law regarding misdemeanor violations, as follows: (1) Require the Rent Board to record owner move-in eviction notices with the County Recorder; (2) Require any eviction notice to be in writing and filed with the Rent Board; (3) Subject vacated units to the future use restrictions stated in the Rent Ordinance, regardless of any agreement made between the landlord and the vacating tenant; (4) Require a tenant to be represented by independent counsel in a judicially supervised settlement agreement, in order to waive any tenant rights under the Rent Ordinance; (5) Prohibit settlement agreement clauses that bar an evicted tenant from cooperation with a governmental investigation or proceeding; (6) Require the seller of a property to give written notice to the buyer disclosing the reason for the most recent termination of tenancy for every residential unit to be delivered vacant at the close of escrow; and (7) Conform misdemeanor provisions to state law ($1,000 fine plus possible imprisonment in County Jail for up to six months).

8/27/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

2/1/02, TRANSFERRED to Health and Human Services Committee. New committee structure.

3/18/02, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance, approved as to form, bearing same title.

3/18/02, ASSIGNED to Health and Human Services Committee.

**020197 [Golf Fund]**
**Supervisors Hall, Daly**

Ordinance amending Chapter 10, Article XIII of the San Francisco Administrative Code by adding Section 10.100-256 thereto, establishing a San Francisco Recreation and Parks Golf Fund.

2/4/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 3/6/2002.

3/18/02, SUBSTITUTED. Supervisor Hall submitted a substitute ordinance bearing same title.

3/18/02, ASSIGNED to Finance Committee.

**020443 [Requirements for Automatic Sprinklers in Residential Hotels]**
**Supervisor Newsom**

Ordinance amending the San Francisco Fire Code Section 9001.1.3 and the San Francisco Housing Code Section 904 to modify the requirements regarding installation of automatic sprinkler systems in residential hotels, as defined in the ordinance; providing findings as to local conditions pursuant to the California Health and Safety Code; and making this Ordinance retroactive to June 30, 2002.

3/18/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 4/17/2002. 3/25/02, Referred to Building Inspection Commission.
4/24/02, Letter from BIC recommending approval of the ordinance.

**020444** **[Secondary Units]**
**Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by repealing Section 207.2 [Second Units] in its entirety, adding a new Section 207.2, and amending Section 209.1 to authorize one additional secondary unit limited to 750 square feet of gross floor area on a lot within 1250 feet of a Primary Transit Street or Transit Center and also within 1250 feet of a Neighborhood Commercial or Commercial zoning district, on a lot containing a qualified historical building or where the unit is specifically designed and constructed for the elderly or persons with physical disabilities and to prohibit the owner from legalizing an illegal unit pursuant to the provisions of this ordinance; by amending Sections 135(d), Table 151 of Section 151 and 307(g) to establish the amount of open space and parking required for these secondary units; and by amending the San Francisco Traffic Code by adding Section 308.5.1 to prohibit issuance of a residential parking permit to the occupant of a secondary unit; adopting findings.

3/18/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 4/17/2002. 4/12/02 - Transmitted to Planning Commission for public hearing and recommendation.

## Resolutions

**020445** **[Sale of Real Property]**
**Supervisor Maxwell**

Resolution authorizing and approving the transfer of the real property located in the City of San Francisco by and between the City and County of San Francisco, for the Department of Public Health, as Seller, and Visitacion Valley Community Center, Inc., as Buyer; authorizing and approving the conveyance of the real property located at Assessor's Block 6237, Lots 009 through 013, commonly known as 50 Raymond Avenue; adopting findings that such conveyance is consistent with the City's General Plan and the Eight Priority Policies of City Planning Code Section 101.1; and adopting findings that such conveyance is categorically exempt from compliance with the California Environmental Quality Act.

3/18/02, RECEIVED AND ASSIGNED to Finance Committee.

**020446** **[Mission District Interim Controls]**
**Supervisor McGoldrick**

Resolution amending the Mission District Interim Controls by amending subsection (a) to allow a "community service" office use in areas zoned M-1 and M-2 in the area bounded by Guerreo Street, Cesar Chavez Street, Potrero Avenue and the Central Freeway and to amend the definition of "community service" to include a nonprofit labor organization.

(Certificate of Exemption/Exclusion from Environmental Review dated 4/23/02)

3/18/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee. 3/22/02 - Transmitted to Director of Planning for environmental review.

**020447** **[Congestion Pricing Program]**
**Supervisors Sandoval, Gonzalez, Daly, McGoldrick, Peskin**

Resolution urging the Legislature of the State of California or, in the alternative, the nine Bay area counties that compose the Metropolitan Transportation Commission to pass legislation establishing a congestion pricing program for the San Francisco-Oakland Bay Bridge.

3/18/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020448** **[California Debt Limit Allocation Committee]**
**Mayor**

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Credit Certificates. (Mayor)
3/18/02, RECEIVED AND ASSIGNED to Finance Committee.

**020449** **[April 2002 IHSS Public Authority Awareness Month]**
**Supervisors Ammiano, Sandoval, McGoldrick, Daly, Peskin**

Resolution declaring April 2002, IHSS Public Authority Awareness and Registration for Services of Latino Consumers and Worker Opportunities Month.
3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020450** **[March 2002 Professional Social Work Month]**
**Supervisors Ammiano, McGoldrick, Daly, Peskin**

Resolution proclaiming the Month of March 2002 Professional Social Work Month and further to call upon all Californian's to join with the social work profession in support of appropriate programs, ceremonies, and activities designed to achieve its goals.
3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020451** **[Honoring Deputy Sheriff Kenneth Harrison]**
**Supervisors Ammiano, Hall, Peskin, Newsom**

Resolution honoring Deputy Sheriff Kenneth Harrison for successfully completing his satellite assignment at City Hall and furthermore proclaiming March 18, 2002 Deputy Kenneth Harrison Day in the City and County of San Francisco.
3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020452** **[National and State Housing Efforts]**
**Supervisors Daly, Peskin**

Resolution supporting national and state housing efforts identified at the San Francisco Summit on Homelessness, and urging swift action.
3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020453** **[Proposition B Implementation Plan Date]**
**Supervisors Leno, Daly, Peskin, Newsom**

Resolution urging the San Francisco Public Utilities Commission to complete its implementation plan of Propositions B and H by April 15, 2002.
3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020454 **[Passage of SB 1856]**
**Supervisors Leno, McGoldrick, Daly, Peskin**

Resolution urging the California State Legislature to pass SB 1856, the California High-Speed Passenger Train Bond Act of 2002.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020455 **[Musee Mecanique]**
**Supervisors Newsom, McGoldrick, Hall, Peskin**

Resolution urging the National Park Service to find a sufficient alternative location for Musee Mecanique until renovations are complete at the Cliff House.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020456 **[Commend - Phoenix Streets]**
**Supervisor Gonzalez**

Resolution commending San Francisco Deputy Public Defender Phoenix Streets.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020457 **[Commend - Lake Merced Stakeholders]**
**Supervisors Hall, Newsom**

Resolution commending the San Francisco Public Utilities Commission, the City of Daly City, the Olympic Club, the Lake Merced Golf and County Club, and the San Francisco Golf Club for their work in finalizing landmark agreements that have set in motion a plan to restore Lake Merced.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020458 **[Commend - Delancey Street Foundation]**
**Supervisors Leno, Daly, Newsom**

Resolution commending the Delancey Street Foundation on its 30th anniversary and commending Executive Director Mimi Silbert on the occasion of her 60th birthday.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020459 **[Commend - National Professional Social Workers Month]**
**Supervisors Maxwell, Daly**

Resolution commending the recognition of National Professional Social Worker Month.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020460** **[Commend - J. Weldon Smith]**
**Supervisor Newsom**

Resolution commending J. Weldon Smith on his retirement after serving 15 years as Director of the Museum of Craft and Folk Art.

3/18/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020286** **[State grant for renovation of Harding Park and Fleming Golf Courses]**
**Supervisors Hall, Daly**

Resolution authorizing the City and County of San Francisco to accept and expend State grant funds under the Per Capita Grant Program, in the amount of $8,111,000, and under the Roberti-Z'berg-Harris Urban Open Space and Recreation Program Block Grant, in the amount of $5,016,627, from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such action is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

2/11/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

2/20/02, TRANSFERRED to Finance Committee.

3/18/02, SUBSTITUTED. Supervisor Hall submitted a substitute resolution bearing same title.

3/18/02, ASSIGNED to Finance Committee.

**020201** **[PGA Tour Championship at Harding Park Golf Course]**
**Supervisor Hall**

Resolution approving and authorizing a Master Tournament Agreement with PGA Tour, Inc., for the use of Harding Park Golf Course for the PGA Tour Championship Tournament.

2/4/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

2/20/02, TRANSFERRED to Finance Committee.

3/18/02, SUBSTITUTED. Supervisor Hall submitted a substitute resolution bearing same title.

3/18/02, ASSIGNED to Finance Committee.

## Requests for Hearing

**020461** **[Draft 311 and Customer Relationship Management Proposal]**
**Supervisor Newsom**

Hearing to discuss the draft copy of the 311 and Customer Relationship Management Proposal as presented by the Emergency Communications Department and the Department of Telecommunications and Information Services.

3/18/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020462** **[Area Median Income Statistics]**
**Supervisor Gonzalez**

Hearing related to Area Median Income statistics produced by the U.S. Department of Housing and Urban Development for the purpose of determining qualifications for federal, state, and local housing programs; the inaccuracy of these statistics in illustrating accurate income levels in San Francisco; and whether the City and County of San Francisco can better set area median income levels for use in determining income qualifications of housing programs.
3/18/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

## Motions

**020463** **[Extending Budget Analyst agreement for two years (through 2005)]**
**Supervisor Ammiano**

Motion approving an Agreement for Professional Budget Analyst Services between the City and County of San Francisco and Stanton W. Jones and Associates; Debra A. Newman; Rodriguez, Perez, Delgado & Company Certified Public Accountants; Harvey M. Rose Accountancy Corporation Certified Public Accountants; and Louie & Wong LLP Certified Public Accountants ("A Joint Venture") for two years (January 1, 2004 through December 31, 2005) with three additional two-year options for extension being given to the City (for a total possible term of eight years, through December 31, 2011), at an annual cost of $2,090,339, as may be adjusted annually.

(Fiscal impact.)
3/18/02, RECEIVED AND ASSIGNED to Finance Committee.

## Introduced by the President at the Request of Departments

# PROPOSED ORDINANCES

**020323** **[Amending the San Francisco Fire Code to increase fees for services]**
Ordinance amending Section 106 of the San Francisco Fire Code to increase Fees for Fire Department Services, to become operative on its effective date or on July 1, 2002 whichever is later. (Fire Department)
3/8/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 4/17/2002.

**020390** **[Administrative Code Revision: Health Service System]**
**Supervisor McGoldrick**

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates. (Human Resources Department)

(Fiscal impact.)
3/11/02, RECEIVED AND ASSIGNED to Finance Committee.

## PROPOSED RESOLUTIONS

**020388** **[Contracting out Janitorial Services]**

Resolution concurring with the Controller's certification that janitorial services can be practically performed by private contractor for lower cost than similar services performed by City and County employees. (Parking and Traffic Department)

3/13/02, RECEIVED AND ASSIGNED to Finance Committee.

**020400** **[Grant - Resident Opportunities and Self Sufficiency (ROSS)]**

Resolution authorizing the Department of Human Services to retroactively accept and expend a grant in the amount of $400,000 from the San Francisco Housing Authority to provide construction related apprenticeship activities to San Franciscans residing in San Francisco Housing Authority developments. (Human Services Department)

3/13/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020395** **[Gift - SF Public Library]**

Resolution authorizing the San Francisco Public Library to accept and expend a gift in the amount of $150,100 from the Friends and Foundation of the San Francisco Public Library for the Ocean View Art Project and for the James C. Hormel Gay and Lesbian Center. (Public Library)

3/13/02, RECEIVED AND ASSIGNED to Finance Committee.

## PROPOSED MOTIONS

**020392** **[Webpage Enhancement and Maintenance for the Board of Supervisors]**
**Supervisor Sandoval**

Motion amending Rules of Order of the Board of Supervisors by adding Rule 6.22, which will direct the Clerk of the Board of Supervisors to provide and maintain enhancements to the Webpage of the Board of Supervisors, and allow individual Supervisors privately to maintain a linked Webpage to be used in furtherance of the conduct of the City's business.

3/13/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

## Requests Granted

*From: Supervisor Ammiano*
*To: City Attorney*
*Requesting/Inquiring: To review the proposed Charter Amendment establishing a Municipal Water and Power Agency and the draft Electricity Resource Plan to provide advice as to how the proposed measure could be amended to meet the goals of the proposed Plan.*

*From: Supervisor Leno*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation which would amend the Elections Code to require that the San Francisco Voter's Handbook identify the authors of local ballot measures if they are sponsored by the Board of Supervisors.*

*From: Supervisor McGoldrick*
*To: Director, Redevelopment Agency*
*Requesting/Inquiring: To prepare a report analyzing the effect on the Agency's effectiveness in carrying out its mission of Supervisor Daly's proposal for restructuring the Agency and its Commission.*

*From: Supervisor Sandoval*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: To investigate and report on the feasibility of a 4-way stop sign at the intersection of Madrid and Brazil Streets.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Thomas French (Supervisor Newsom)*
*Judy Hoosman (Supervisor Maxwell)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 5:35 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on May 20, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

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# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.
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**Monday, March 25, 2002 2:00 PM**

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

**Regular meeting**

***TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE***

***Gloria L. Young, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Maxwell | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 13

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

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## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors McGoldrick, Sandoval - 2.*

*Quorum present.*

*Supervisor McGoldrick was noted present at 2:02 p.m.*

*Supervisor Sandoval was noted present at 2:02 p.m.*

## AGENDA CHANGES

*The President inquired if there we any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*There were none.*

## Privilege of the Floor

**Supervisor Peskin, seconded by Supervisor McGoldrick, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

### Introduction of Guests

*Supervisor Peskin introduced, welcomed and presented Certificates of Honor to Officer Brian Oliver and Officer Martin Covarrubias for their instrumental roles in apprehending the slasher of North Beach. Captain James Dudley from Central Police Station spoke on behalf of these officers.*

*Supervisor Newsom introduced and presented a Certificate of Honor to Lucy Spector, upon her retirement from her business (owner of Britex Fabrics) on Union Square after 35 years of service.*

# CONSENT AGENDA

## Recommendation of the Finance Committee

**020411** **[Federal grant funds for the reconstruction of the hillside on San Jose Avenue from Richland to Highland Avenue in San Francisco]**

**Supervisor Ammiano**

Resolution authorizing the Director of the Department of Public Works to accept and expend up to $230,553 in federal Emergency Relief funds with required local matching funds of $29,871 for reconstruction of the hillside at San Jose Avenue from Richland to Highland in the City and County of San Francisco.

**Resolution No.** 197-02

**ADOPTED**

## Recommendations of Public Works and Public Protection Committee

**020104** **[Grant - Juvenile Firesetters Program]**

Resolution authorizing the Fire Department to accept and expend a grant in the amount of $63,475.00 from the Federal Emergency Management Agency for the Juvenile Firesetters Program. (Fire Department)

**Resolution No.** 191-02

**ADOPTED**

**020146** **[Occupancy of the north side of Brannan Street during construction operations at 530-542 Brannan Street]**

Resolution granting revocable permission to UMB Corporation to temporarily close and occupy a portion of the sidewalk and roadway areas on the northerly side of Brannan Street, westerly of 4th Street, during construction operations at 530-542 Brannan Street (Assessor's Block 3777, Lot 038). (Public Works Department)

(District 6.)

**Resolution No.** 192-02

**ADOPTED**

**020180** **[Changing Official Width of Sidewalk]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1550 to change the official sidewalk width on the west side of Mission Street from 16th Street southerly, near the southwesterly corner of 16th and Mission Streets; making findings pursuant to Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

**PASSED, ON FIRST READING**

## Recommendations of the Rules and Audits Committee

020337 **[Appointment]**

Resolution appointing Roderick Kiracofe, term to be determined, to the United Nations Plaza Working Group, residency requirement waived.

Roderick Kiracofe (residency requirement waived), new position, seat 2, must be a member of the Market Street Association, term to be determined.

Resolution No. 195-02
**ADOPTED**

**020110** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Fannie Williams, Mariah Gorge (a minor by and through her Guardian ad litem Fannie Williams), Brenda Williams against the City and County of San Francisco for $175,000; the lawsuit was filed on February 2, 1998 in San Francisco Superior Court, Case No. 992-174; entitled Fannie Williams, et al., v. Les Adams, City and County of San Francisco, et al; other material term of said settlement is waiver of $45,522.01 lien to San Francisco General Hospital. (City Attorney)

**PASSED, ON FIRST READING**

020249 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the matter of Stephanie Fouchia v. City and County of San Francisco for $65,000. The lawsuit was filed on March 7, 2001, in San Francisco Superior Court, Case No. 319-456; entitled Stephanie Fouchia v. City and County of San Francisco. (City Attorney)

**PASSED, ON FIRST READING**

020255 **[Settlement of Lawsuit]**

Ordinance authorizing §998 offer of judgment in the lawsuit filed by Frank Rodriguez against the City and County of San Francisco for $30,001.00 plus reasonable attorneys' fees not to exceed $30,000 and costs; the lawsuit was filed on October 11, 2001 in San Francisco Superior Court, Case No. 400-133; entitled Frank Rodriguez, v. City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

**020330** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Miguel Martinez (Barrera) against the City and County of San Francisco for $412,500.00; the lawsuit was filed on June 23, 2000 in Superior Court, Case No. 313-139; entitled Miguel Martinez (Barrera) vs.City and County of San Francisco, et al. (City Attorney)

**PASSED, ON FIRST READING**

020331 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Rosa Corrales against the City and County of San Francisco for $500,000.00; the lawsuit was filed on October 3, 2000 in San Francisco Superior Court, Case No. 315-584; entitled Rosa Corrales v. Regents of the University of California, et al; there are no other material terms to said settlement. (City Attorney)

**PASSED, ON FIRST READING**

**020335** **[Appointment]**

Resolution appointing Thomas Peitz and Richard Shortall, terms to be determined, to the Emergency Room Diversion Task Force, residency requirement waived.

Thomas Peitz (residency requirement waived), succeeding Steven Polevoi, resigned, seat 2, must be an emergency room physician from the Emergency Physicians Association, term to be determined;
Richard Shortall (residency requirement waived), new position, seat 10, must be a representative of the San Francisco Fire Department, term to be determined.

**Resolution No.** 194-02
**ADOPTED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendations of the Finance Committee

**020051** **[Amending Article 2.4 of the Public Works Code and Sections 10-100.230 and 11.9 of the Administrative Code Concerning Excavation in the Public Right-of-Way; Proposed Increases in Certain Fees]**
**Supervisors Peskin, Maxwell**

Ordinance amending Sections 2.4.2, 2.4.4, 2.4.10, 2.4.20.1, 2.4.20.2, 2.4.20.3, 2.4.23, 2.4.40, 2.4.41, 2.4.42, 2.4.45, 2.4.46, 2.4.50, 2.4.53, 2.4.55, 2.4.70, 2.4.80, 2.4.81, 2.4.83, and 2.4.85 of Article 2.4 of the Public Works Code, adding Sections 2.4.20.4 to Article 2.4 of the Public Works Code, and amending Sections 10.100-230 and 11.9 of the Administrative Code to modify and adopt new definitions; modify and adopt new procedures for permit application submission, permit conditions, and permit modifications; modify fees for administration of permit applications and inspection of excavations; provide for a report to the Board of Supervisors about such fees; create a process for inspection fee refunds; modify procedures for assessing penalties; establish a utility conditions permit fee; and make technical conforming amendments. (Public Works Department)

(Companion measure to Files 020133, 020134.)

**Ordinance No.** 33-02
**FINALLY PASSED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020133** **[Funding to improve services of the Street Construction Coordination Center]**
**Supervisors Peskin, Maxwell**

Ordinance appropriating $66,255 from Excavation Fees to increase services of the Street Construction Coordination Center for the Public Works Department for fiscal year 2001-02. (Public Works Department)

(Companion measure to Files 20051 and 020134.)

**Ordinance No.** 36-02
**FINALLY PASSED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020134** **[Public Employment]**
Ordinance amending Ordinance No. 171-01 (Annual Salary Ordinance 2001/02) reflecting the creation of four positions at the Department of Public Works. (Human Resources Department)

(Fiscal impact.)

**Ordinance No.** 38-02
**FINALLY PASSED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendation of the Transportation and Commerce Committee

**001262** **[Inclusionary Affordable Housing Program]**
**Supervisors Leno, Gonzalez, Maxwell, Peskin, McGoldrick, Sandoval, Daly, Ammiano**

Ordinance amending the San Francisco Planning Code to amend the variance provisions of Section 305, to add Sections 315 to 315.9 to establish requirements for all residential developments of 10 units or more to provide inclusionary housing units, and making findings.

**Ordinance No.** 37-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Hall

# NEW BUSINESS

## Recommendation of the Budget Committee

**020371** **[Adoption of Board of Supervisors 2002 Budget Process]**
**Supervisors Maxwell, Peskin, Ammiano, McGoldrick, Newsom**

Resolution adopting the San Francisco Board of Supervisors' 2002 Budget Process.

*Supervisor Newsom requested to be added as co-sponsor.*

**Resolution No.** 196-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Finance Committee

**020369** **[MOU - Fire]**
**Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between Municipal Executives' Association (Fire) and the City and the County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003. (Mayor)

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020370** **[MOU - Police]**
**Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between Municipal Executives' Association (Police) and the City and the County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003. (Mayor)

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020252** **[2002 Finance Corporation Equipment Program]**
**Mayor**

Resolution approving the form of and authorizing execution and delivery by the City and County of San Francisco of an equipment lease Supplement No. 9 (Series 2002a Bonds) between the City and the County of San Francisco Finance Corporation, as lessor, and the City and County of San Francisco, as lessee, with respect to the equipment to be used for city purposes, a related certificate of approval and a continuing disclosure certificate; approving the issuance of lease revenue bonds by said nonprofit corporation in an amount not to exceed $9,000,000; providing for reimbursement to the City of certain city expenditures incurred prior to the issuance of Lease Revenue Bonds; and providing for the execution of documents in connection therewith and ratifying previous actions taken in connection therewith. (Mayor)

(Fiscal impact.)

**Resolution No.** 178-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020368** **[Supplemental Appropriation - San Francisco's Finance Corp.]**
**Mayor**

Ordinance appropriating $8,420,000 from the sale of lease-revenue bonds by the San Francisco Finance Corporation to fund purchase of equipment citywide for fiscal year 2001-02. (Mayor)

(Fiscal impact.)

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## From Finance Committee "Without Recommendation"

**020248** **[Supplemental Appropriation, Department of Elections]**
Ordinance appropriating $1,372,007 of the General Reserve and reappropriating $1,800,000 from the lease-purchase of election equipment for a total of $3,172,007 to fund salaries, fringe benefits, and other current expenses for the Department of Elections for fiscal year 2001-02. (Elections Department)

(Fiscal impact.)

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## From Public Works and Public Protection Committee "Without Recommendation"

**020261** **[Advertising of bail bond agents]**
**Supervisor Gonzalez**

Ordinance adding Section 710 to the San Francisco Police Code to require that advertising for bail bond agents posted in San Francisco jails indicate whether the agent maintains an office in San Francisco, requiring that the advertising agent be licensed by the Department of Insurance, and requiring that the advertising agent operating under a fictitious business name has on file a fictitious business name statement.

**Supervisor Gonzalez, seconded by Supervisor Newsom, moved that this Ordinance be TABLED. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Rules and Audits Committee

**020319** **[Municipal Code Amendment - Deletion of Court Reporter Requirement for Board of Appeals]**
Ordinance amending the San Francisco Business and Tax Regulations Code by amending Section 11 to authorize the Board of Appeals to use the Department of Telecommunications and Information Technology's Citywatch Cable Channel videotape or an audiotape as a record of the Board's proceedings in lieu of attendance at the hearing by a court reporter. (Board of Appeals)

*Supervisor Gonzalez moved to continue consideration to April 8, 2002.*
**Supervisor Gonzalez, seconded by Supervisor Peskin, moved that this Ordinance be CONTINUED. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020407 [General Obligation Bond Accountability Reports]**
**Supervisor Yee**

Ordinance amending Chapter 2, Article VIII of the Administrative Code of the City and County of San Francisco to provide additional further requirements for the expenditure of general obligation bond proceeds.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

## From Rules and Audits Committee "Without Recommendation"

**020339 [Appointment]**

Resolution appointing Supervisor Leland Yee, term ending February 1, 2005, to the Bay Area Air Quality Management District Board of Directors.

Supervisor Leland Yee, succeeding Supervisor Tony Hall, Seat No. 1, must be a member of the San Francisco Board of Supervisors, for the unexpired portion of a four-year term ending February 1, 2005.

**Supervisor Peskin, seconded by Supervisor McGoldrick, moved to excuse Supervisor Yee from voting. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

*Supervisor Leno moved to continue consideration to April 8, 2002.*

**Supervisor Leno, seconded by Supervisor Maxwell, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 1 - Yee

*Appointment of President Pro Tempore*

*At the request of the President, Supervisor Daly assumed the Chair so the President could participate in the debate from the floor concerning the following items.*

## Recommendations of the Transportation and Commerce Committee

**020156 [Interim Zoning Controls - Live/Work Moratorium]**
**Supervisor Ammiano**

Resolution extending for an additional three-month period interim controls to prohibit the construction of new live/work developments.

(Certificate of Exemption/Exclusion from Environmental Review dated 2/13/02)
(Supervisor Hall dissenting in Committee.)

**Supervisor Maxwell, seconded by Supervisor Leno, moved to excuse Supervisor Newsom from voting. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

*The roll was then called on the pending resolution.*

Resolution No. 209-02

**ADOPTED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 1 - Hall
Excused: 1 - Newsom

**012127 [Prohibition of New Live/Work Units]**
**Supervisors Ammiano, Daly**

Ordinance amending the San Francisco Planning Code by amending the definition of "Live/Work Unit" in Section 101.13 to clarify that the residential use and the integrated work space must be in the same unit, and by amending Section 233 to prohibit new Live/Work Units except for accessory uses authorized by Section 204.4.

(Planning Commission Resolution #16359 adopted 3/7/02 recommending disapproval. Certificate of Exemption/Exclusion from Environmental Review dated 2/28/02)
(Supervisor Hall dissenting in Committee.)

**Supervisor Maxwell, seconded by Supervisor Leno, moved to excuse Supervisor Newsom from voting. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

*The roll was then called on the pending ordinance.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 1 - Hall
Excused: 1 - Newsom

**See Meeting Minutes of April 8, 2002 for disapproval by Mayor.**

**011798 [Interim Zoning Requiring Conditional Use Authorization for Large Retail Uses]**
**Supervisor Ammiano**

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for large retail uses in C-2, C-M, M-1, M-2, RSD, SLR, SLI, SPD and SSO zones, including, where permissible, lots under the jurisdiction of the San Francisco Port Commission, for a one year period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

(Certificate of Exemption/Exclusion from Environmental Review dated 12/7/01)

(Supervisor Hall dissenting in Committee.)

*Supervisor Maxwell, seconded by Supervisor Hall, moved to amend Page 4, line 1, after "Section 249.19" by inserting "or in the Bayview Hunters Point Redevelopment Survey Area as established by the San Francisco Redevelopment Agency Commission and as it exists on the effective date of this resolution". This amendment would exempt the Bayview Hunters Point Survey Area.*

*Motion to amend refused adoption by the following vote:*

*Ayes: 4 - Hall, Maxwell, Newsom, Sandoval*
*Noes: 7 - Ammiano, Daly, Gonzalez, Leno, McGoldrick, Peskin, Yee*

*The roll was then called on the pending resolution.*

**ADOPTED by the following vote:**

Ayes: 7 - Ammiano, Daly, Gonzalez, Leno, McGoldrick, Peskin, Yee
Noes: 4 - Hall, Maxwell, Newsom, Sandoval

*The President resumed the Chair.*

**020320 [Grant Federal Funds]**

Resolution authorizing the Municipal Transportation Agency Board to Accept and Expend $1,622,000 of Federal Congestion Mitigation and Air Quality (CMAQ) funding for the Bayview Connections project. (Municipal Transportation Agency)

**Resolution No.** 193-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# SPECIAL ORDER 5:00 P.M.

## Board of Supervisors Sitting as a Committee of the Whole

**020409** **[Public Hearing - Declaring the Board of Supervisors to be the Governing Body of the Redevelopment Agency]**

Public hearing relating to consideration and adoption of the ordinance declaring the Board of Supervisors to be the Governing Body of the Redevelopment Agency for the City and County of San Francisco, thereby replacing the existing seven-member appointed Board; and establishing an eleven-member appointed Community Redevelopment Commission and delegating certain powers to the Commission. (Clerk of the Board)

(Companion measure to File 020413.)

*The privilege of the floor was granted to the following persons:*

*Elaine Forbes, Legislative Analyst gave a report on this matter.*
*Tshia Miller, Deputy Director, Redevelopment Agency gave a statement on behalf of the Executive Director.*

*Speakers in support: John Bardis, Quintin Mecke, Roy Recio, Delphine Brody, Allison Lum, Edmund, Antoinetta III, Anthony Faber, female speaker, male speaker, Mark Dunlap, Stephanie Hughes, Bill Schwalb, Bruce Allison, Lisa Calromott, Linda Morgan, Joshua Kaufman, Valerie Kapert, David Osgood, Mark Swenson, Teri Byrne, Chung Choy, male speaker, John Malone, Jeffery Lebowitz, Olivia Malabuyo, Oliver Asera, David Delgado, Eric Quezada, J.J. White, Allan Manalo, Espinsa Dunmont, Laura Gee, Tracy Aubuchon, John Paul, Dan Begonia, Daffney, Bill Barnes.*

*Speakers in opposition: Willie B. Kennedy, Rev. Amos Brown, Annica Romos; Walter Johnson, Linda Richardson, Nathan Nayman, Rev. Ted Frazier, male speaker, Rev. J. Edgar Boyd, Elder David Williams, male speaker, Ellouise Westbrook, Lynnette White, Dorothy Peterson, Alvin Jones, James Martin, Ms. Clayton, Rueben Smith, Dave Parker, Mary Rogers, Rebecca Morrow, male speaker, female speaker, Mel Beetle, Redmond Kernan, Faith, Emily Rogers, Raye Richardson, Yvonne Billing, Terry Banks, Mercedes Moreno, Dwayne Jones, Oscar James, Cedric Jackson, Rev. Arnold Townsend, Orville Luster, Derf Butler, female speaker, Carmen Johnson, Jim Chappell, Keith Jackson, James Bryant, Karen Pearce, Brian Eggt, Willie Radcliff, male speaker, Mattie Scott, Essie Collins, Tari Bradford.*

*Speakers with no position: Adrianne Taylor, male speaker.*

*There being no other speakers, the President declared the public hearing closed.*
**HEARD AT PUBLIC HEARING.**

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

## Committee of the Whole Rise and Report Without Recommendation

**020413** **[Redevelopment Agency]**
**Supervisor Daly**

Ordinance amending Administrative Code Chapter 24 "Redevelopment Agency" by declaring the Board of Supervisors to be Governing Body of the Redevelopment Agency of the City and County of San Francisco, thereby replacing the existing seven-member appointed Board, with findings in support (California Community Redevelopment Law, Health & Safety Code §§33000 et seq.); and establishing an eleven-member appointed Community Redevelopment Commission and delegating certain powers to the Commission.

*Supervisor Daly moved to continue consideration to April 29, 2002.*

**Supervisor Daly, seconded by Supervisor Sandoval, moved that this Ordinance be CONTINUED. The motion carried by the following vote:**

Ayes: 6 - Ammiano, Daly, Gonzalez, Leno, Peskin, Sandoval
Noes: 5 - Hall, Maxwell, McGoldrick, Newsom, Yee

# PUBLIC COMMENT

*Abdalla Megahed, homeless;*
*John deNamon, Easter dinner for homeless;*
*John Bardis, Department of Elections supplemental appropriation;*
*Steve Este, Falun Gong supporter;*
*Sheri Jung, Falun Gong supporter;*
*Tom McCommick, high speed trains;*
*Andre Spearmint, Department of Elections;*
*Linda Joseph, honoring social workers;*

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**020451** **[Honoring Deputy Sheriff Kenneth Harrison]**
**Supervisors Ammiano, Hall, Peskin, Newsom**

Resolution honoring Deputy Sheriff Kenneth Harrison for successfully completing his satellite assignment at City Hall and furthermore proclaiming March 18, 2002 Deputy Kenneth Harrison Day in the City and County of San Francisco.

*Supervisors Hall, Peskin, Newsom requested to be added as co-sponsors.*

Resolution No. 200-02
**ADOPTED**

**020452** **[National and State Housing Efforts]**
**Supervisors Daly, Peskin**

Resolution supporting national and state housing efforts identified at the San Francisco Summit on Homelessness, and urging swift action.

*Supervisor Peskin requested to be added as co-sponsor.*

**Resolution No.** 201-02
**ADOPTED**

**020453** **[Proposition B Implementation Plan Date]**
**Supervisors Leno, Daly, Peskin, Newsom**

Resolution urging the San Francisco Public Utilities Commission to complete its implementation plan of Propositions B and H by April 15, 2002.

*Supervisors Daly, Peskin, Newsom requested to be added as co-sponsors.*

**Resolution No.** 210-02
**ADOPTED**

**020455** **[Musee Mecanique]**
**Supervisors Newsom, McGoldrick, Hall, Peskin**

Resolution urging the National Park Service to find a sufficient alternative location for Musee Mecanique until renovations are complete at the Cliff House.

*Supervisors Hall, Peskin requested to be added as co-sponsors.*

**Resolution No.** 203-02
**ADOPTED**

**020456** **[Commend - Phoenix Streets]**
**Supervisor Gonzalez**

Resolution commending San Francisco Deputy Public Defender Phoenix Streets.

**Resolution No.** 204-02
**ADOPTED**

**020457** **[Commend - Lake Merced Stakeholders]**
**Supervisors Hall, Newsom**

Resolution commending the San Francisco Public Utilities Commission, the City of Daly City, the Olympic Club, the Lake Merced Golf and County Club, and the San Francisco Golf Club for their work in finalizing landmark agreements that have set in motion a plan to restore Lake Merced.

*Supervisor Newsom requested to be added as co-sponsor.*

**Resolution No.** 205-02
**ADOPTED**

**020458** **[Commend - Delancey Street Foundation]**
**Supervisors Leno, Daly, Newsom**

Resolution commending the Delancey Street Foundation on its 30th anniversary and commending Executive Director Mimi Silbert on the occasion of her 60th birthday.

*Supervisors Daly, Newsom requested to be added as co-sponsors.*
**Resolution No.** 206-02
**ADOPTED**

**020459** **[Commend - National Professional Social Workers Month]**
**Supervisors Maxwell, Daly**

Resolution commending the recognition of National Professional Social Worker Month.

*Supervisor Daly requested to be added as co-sponsor.*
**Resolution No.** 207-02
**ADOPTED**

**020460** **[Commend - J. Weldon Smith]**
**Supervisor Newsom**

Resolution commending J. Weldon Smith on his retirement after serving 15 years as Director of the Museum of Craft and Folk Art.

**Resolution No.** 208-02
**ADOPTED**

**020439** **[Final Map for a 6 Unit Live/Work Condominium Project]**
Motion approving Final Map of 633 Hampshire Street, a Live/Work Condominium Project, being a subdivision of Lot 12, Assessor's Block No. 4025, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order 173,435; District 9.)

**Motion No.** M02-49
**APPROVED**

**020440** **[Final Map for a 5 Unit Residential Condominium Project]**
Motion approving Final Map of 147 Day Street, A Residential Condominium Project, being a subdivision of Lot 28A, Assessor's Block No. 6637, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order 173,436; District 8.)

**Motion No.** M02-50
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Severed From For Adoption Without Committee Reference

**020449** **[April 2002 IHSS Public Authority Awareness Month]**
**Supervisors Ammiano, Sandoval, McGoldrick, Daly, Peskin**

Resolution declaring April 2002, IHSS Public Authority Awareness and Registration for Services of Latino Consumers and Worker Opportunities Month.

*Supervisor McGoldrick requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.*

*Supervisors McGoldrick, Daly, Peskin requested to be added as a co-sponsors.*

**Resolution No.** 198-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020450** **[March 2002 Professional Social Work Month]**
**Supervisors Ammiano, McGoldrick, Daly, Peskin**

Resolution proclaiming the Month of March 2002 Professional Social Work Month and further to call upon all Californians to join with the social work profession in support of appropriate programs, ceremonies, and activities designed to achieve its goals.

*Supervisor McGoldrick requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.*

*Supervisors McGoldrick, Daly, Peskin requested to be added as a co-sponsors.*

**Resolution No.** 199-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020454** **[Passage of SB 1856]**
**Supervisors Leno, McGoldrick, Daly, Peskin**

Resolution urging the California State Legislature to pass SB 1856, the California High-Speed Passenger Train Bond Act of 2002.

*Supervisor McGoldrick requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.*

*Supervisors McGoldrick, Daly, Peskin requested to be added as a co-sponsors.*

**Resolution No.** 202-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**020488 [Appropriation, Planning Department]**
**Supervisor Gonzalez**

Ordinance appropriating $50,000 of the General Reserve to fund a nexus study by the Planning Department to determine the appropriate mitigation cost for removing dwelling units from San Francisco's housing stock for fiscal year 2001-02.
3/25/02, RECEIVED AND ASSIGNED to Finance Committee.

**020489 [Tenant-Initiated Home Ownership Program for Everyone]**
**Supervisor Hall**

Ordinance amending the San Francisco Subdivision Code by adding Article II, consisting of Sections 1399.1 through 1399.16 to permit the conversion of existing residential buildings to residential condominium or other ownership subject to certain requirements.
3/25/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 4/24/2002.

**020490 [Gift - South (Murphy) Windmill in Golden Gate Park]**
**Supervisor McGoldrick**

Ordinance authorizing the Recreation and Park Department to negotiate and enter into sole-source contracts with Lucas Verbij, Hoogmade/BV, Netherlands, and Mark De Jong, Bloemendal Construction Company, San Francisco for restoration of the South (Murphy) Windmill in Golden Gate Park and accepting a gift of funds from the Campaign to Save the Golden Gate Park Windmills.

(Fiscal impact.)
3/25/02, RECEIVED AND ASSIGNED to Finance Committee.

**020491 [Interdepartmental Coordination of Homeless Services]**
**Supervisor Newsom**

Ordinance amending S.F. Administrative Code Chapter 20 to create a plan for the coordination of services and accountability between the city departments and agency responsible for the delivery of services to the homeless population of San Francisco, and to establish an advisory committee to monitor city contracts for homeless shelters and drop-in centers.
3/25/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 4/24/2002.

**020492 [Redevelopment Agency Board - Term Limit]**
**Supervisor Peskin**

Ordinance amending Administrative Code Section 24.1-1 to provide that a Member may not consecutively serve for more than two four-year terms on the Redevelopment Agency Board, and that a Member shall be deemed to have served one full term if the Member serves 24 months or more of an uncompleted term or if the Member resigns after serving 24 months or more of a term; this changes the current Administrative Code provisions, which do not provide a term limit.
3/25/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 4/24/2002.

**020493** **[Front Yard Paving]**
**Supervisor Sandoval**

Ordinance amending Sections 132 and 136 of the Planning Code to require that twenty percent of required setback areas remain unpaved and devoted to plant material, and to prohibit parking from obstructing required setbacks.

3/25/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 4/24/2002. 4/12/02 - Transmitted to Planning Commission for public hearing and recommendation.

## Resolutions

**020494** **[Parking Meter Management System]**
**Supervisor Ammiano**

Resolution authorizing the Executive Director of the Department of Parking and Traffic to execute an agreement between the City and County of San Francisco and Serco Management Services, Inc. for a Parking Meter Management System.

(Fiscal impact.)
(Supervisor Daly dissenting in Committee.)
3/25/02, RECEIVED AND ASSIGNED to Finance Committee.

**020495** **[Certification of Lower Cost of Services]**
**Supervisor Ammiano**

Resolution concurring with the Controller's certification that a proposed agreement with Serco Management Services, Inc. for a Parking Meter Management System which includes collection and coin counting services, can practically be performed by a private contractor for a lower cost than similar services performed by City and County employees.

(Fiscal impact; Companion measure to File 020494.)
(Supervisor Daly dissenting in Committee.)
3/25/02, RECEIVED AND ASSIGNED to Finance Committee.

**020496** **[Bail Schedule]**
**Supervisor Newsom**

Resolution urging the presiding judge of the Municipal Court to convene the Judge's Bail Committee in conjunction with the Superior Court and in consultation with the San Francisco Police Department and the San Francisco Sheriff's Department to assess the bail schedule in order to determine what adjustments are needed to bring San Francisco in line with other Bay Area counties.

3/25/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**020497 [Gift - Recreation and Park Department]**
**Supervisors Hall, Newsom**

Resolution accepting and expending a gift in place in the amount of $21,800 from the Friends of West Portal Playground to the Recreation and Park Department for tennis court improvements at West Portal Playground.
3/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020498 [Gift - Strybing Arboretum Society]**
**Supervisors McGoldrick, Newsom**

Resolution accepting and expending a gift of $240,000 from the Strybing Arboretum Society to fund renovations to the County Fair Building at the Strybing Arboretum and Botanical Gardens in Golden Gate Park.
3/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020499 [Federal Earmarks for the Central Subway and Doyle Drive Projects]**
**Supervisors Peskin, Maxwell, McGoldrick, Newsom**

Resolution supporting a $5 million Federal earmark for the Central Subway project and a $3 million federal earmark for the Doyle Drive Replacement project and urging members of the San Francisco Bay Area Congressional Delegation to work diligently to gain funding for these important projects.
3/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020500 [Commend - Archbishop Riordan High School Basketball Team]**
**Supervisors Hall, Daly, Sandoval, Maxwell, McGoldrick**

Resolution commending the Archbishop Riordan High School basketball team for winning the California Division III men's basketball championship.
3/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020501 [Commend - Archbishop Riordan High School Basketball Team]**
**Supervisors Maxwell, McGoldrick, Hall**

Resolution commending the Archbishop Riordan Crusaders on winning the California Interscholastic Federation State Champion Division III Title.
3/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020502 [Commend - Lucy Spector]**
**Supervisor Newsom**

Resolution commending Lucy Spector on her service as a San Francisco business owner for fifty years and dedicating April 8, 2002 as "Lucy Spector Day" for the City and County of San Francisco.
3/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020503 [Commend - Archbishop Riordan High School Basketball Team]**
**Supervisors Newsom, Sandoval, Maxwell, McGoldrick, Hall**

Resolution congratulating the Archbishop Riordan High School Basketball Team for winning the California Interscholastic Federation State Championship Division III, the first State championship title earned by a San Francisco team since 1926.
3/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020504 [Commend - Rebecca Silverberg]**
**Supervisors Yee, Leno, McGoldrick, Newsom, Hall**

Resolution commending Rebecca Silverberg for being honored as 12th Assembly District Woman of the Year.
3/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020505 [Mayor's April 1st Budget Submission]**
**Supervisor Maxwell**

Hearing on the Mayor's April 1st preliminary budget submission to the Board of Supervisors.
3/25/02, RECEIVED AND ASSIGNED to Budget Committee.

**020506 [Departmental Budget Hearings]**
**Supervisor Maxwell**

Hearings on the following departments' Preliminary Budgets:

SUBMITTED DEPARTMENTS: Administrative Services, Administrative Services-Animal Care and Control, Assessor/Recorder, Controller, Civil Service Commission, Administrative Services-Office of Contract Administration, Retirement System, Treasurer/Tax Collector.
DEPARTMENTAL PRESENTATIONS: Board of Supervisors, City Attorney, Ethics Commission, Human Resources, Mayor's Office, Business and Economic Development.
3/25/02, RECEIVED AND ASSIGNED to Budget Committee.

**020507 [Compstat Program]**
**Supervisor Newsom**

Hearing to discuss the feasibility of creating a Compstat Program for the purpose of developing a computer tracking system that pinpoints crime trends, including but not limited to the models administered in the cities of New Orleans, New York City, and Indianapolis.
3/25/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020508** **[Francisco Municipal Court Bail Rates]**
**Supervisor Newsom**

Hearing to consider the felony and misdemeanor bail amount rates for the City and County of San Francisco.
3/25/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**020509** **[Metered Parking Spaces]**
**Supervisor Peskin**

Hearing regarding the current standard length of metered parking spaces on public streets in San Francisco. Supervisor Peskin intends to hold this hearing in advance of the Finance Committee's consideration of a contract to replace parking meters on City streets with new, electronic meters.
3/25/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020510** **[Utilities Undergrounding]**
**Supervisor Sandoval**

Hearing to address the issue of utilities undergrounding in San Francisco.
3/25/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

## Motions

**020487** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
3/25/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Introduced by the President at the Request of Departments

## PROPOSED ORDINANCES

020441 **[Appropriation - Clean Water Department]**
Ordinance appropriating $1,220,000 of Clean Water Program fund balance for water sewage treatment chemicals for the Clean Water Department for fiscal year 2001-02. (Controller)

(Fiscal impact.)
3/20/02, RECEIVED AND ASSIGNED to Finance Committee.

020464 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by New Times, Inc., San Francisco Newspaper Printing Company, Inc., Gannett Satellite Information Network, Inc., The New York Times Company, San Jose Mercury News, Inc., Los Angeles Times, Dow Jones & Company, Inc., Bay Guardian Company, Inc., and United Advertising Publications, Inc. against the City and County of San Francisco for $85,000; the lawsuit was filed on January 5, 1999, in the United States District Court for the Northern District of California, Case No. C-99-0020 (WHA); entitled New Times, Inc., et al., v. City and County of San Francisco, et al.; other material terms of said settlement are the City's amendment of San Francisco Public Works Code Section 184.12, the Director of Public Works' promulgation of amended guidelines, and the City's approval of the First Amended and Restated Pedestal-Mounted Newsrack Agreement by and between the City and County of San Francisco and Clear Channel Adshel, Inc. (City Attorney)

(Companion measure to Files 020465, 020466.)
(Supervisor Daly dissenting in Committee.)
3/20/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020465 **[Regulation of Newsracks; Amendment of Fixed Pedestal Newsrack Program]**

Ordinance amending the San Francisco Public Works Code, Article 5.4, by repealing the existing Section 184.12 and enacting a new Section 184.12 regulating the placement and maintenance of newsracks on public streets, sidewalks and rights-of-way to prohibit freestanding newsracks in specified areas of the City, authorizing the creation of fixed pedestal zones in specified areas of the City, and authorizing the Director of Public Works to select and enter into agreements with vendors to provide and maintain fixed pedestal newsracks. (City Attorney)

(Supervisor Daly dissenting in Committee.)
3/20/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020466 **[Contract - CCSF and Clear Channel Adshel, Inc.]**

Ordinance approving the First Amended and Restated Pedestal-Mounted Newsrack Agreement By and Between the City and County of San Francisco and Clear Channel Adshel, Inc., which allows for the provision, installation, and maintenance of pedestal-mounted newsracks on public property; approving an indemnification of the contractor by the City for specified claims initiated by publishers or other specified claimants, concerning the fixed pedestal program, the fixed pedestal units, their operation, or the agreement with Clear Channel Adshel, Inc., and for specified claims including bodily injury or property damage arising from the City's performance of said agreement; and authorizing the Director of the Department of Public Works to make changes to the Department of Public Works Director's Orders incorporated by reference in the agreement with Clear Channel Adshel, Inc. (City Attorney)

(Supervisor Daly dissenting in Committee.)
3/20/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

## PROPOSED RESOLUTIONS

020399 **[Grant - Public Utilities Commission]**

Resolution authorizing the Department of Public Utilities Commission to accept and expend a grant in the amount of $75,000 from the Environmental Protection Agency for a feasibility study on decentralized wastewater treatment at the Hunters Point Naval Shipyard. (Public Utilities Commission)
3/15/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020398** **[Grant - Police Department Pedestrian Safety Project]**

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend grant funds made available through the California Office of Traffic Safety for a project entitled Pedestrian Safety Project. (Police Department)

3/19/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020332** **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES - ESTABLISH
King Street, north side, (westbound), from 2nd Street to 360 feet westerly

BICYCLE LANES - ESTABLISH
7th Street, both sides, (both directions), between 16th and Townsend Streets

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
7th Street, east side, from Townsend Street to 160 feet southerly (160-foot zone)

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
Mission Street, east side, from Trumbull Street to 500 feet northerly (500-foot zone, to be replaced with shorter zone)

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Mission Street, east side, from Trumbull Street to 420 feet northerly (420-foot zone, reduces existing zone by 80 feet and creates four additional parking spaces)

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Gateview Avenue (Treasure Island), both sides, between 13th Street and Avenue B, north intersection (replaces existing red zones)

TOW-AWAY, NO STOPPING, 7 AM - 6 PM, MONDAY THROUGH FRIDAY - RESCIND California Street, south side, from 106 feet to 137 feet west of Montgomery Street (31-foot zone)

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
California Street, south side, from 106 feet to 137 feet west of Montgomery Street (31-foot zone)

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Webster Street, west side, from 100 feet to 150 feet north of Oak Street (extends existing tow-away zone by 50 feet) (Parking and Traffic Department)

(DPT Order No. 2399.)

(4/11/02 Categorically Exempt from Environmental Review - existing highways and streets; bicycle lanes on existing rights-of-way)

3/14/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020387** **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "U" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Cleveland Street, both sides, between 7th and Sherman Streets (unit block, signs to be installed only on the south side)

PARKING METER AREA NO. 3 (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Stillman Street, north side, between 3rd and 4th Streets

RESIDENTIAL PERMIT PARKING AREA "D" (4-HOUR TIME LIMIT, 9 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Hamerton Avenue, both sides, between Mangels Avenue and north terminus (100 block)

RESIDENTIAL PERMIT PARKING AREA "B" (2-HOUR TIME LIMIT, 9 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Palmetto Street, both sides, between Ramsell and Victoria Streets (400 block)

NO PARKING, 2 AM - 6 AM, EVERYDAY - ESTABLISH
19th Street, both sides, between Indiana and Minnesota Streets
20th Street, both sides, between Indiana and Minnesota Streets
Indiana Street, both sides, between 19th and 22nd Streets

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Broderick Street, east side from 0 feet to 20 feet north of Waller Street (20-foot zone, replacing an existing red zone)

PARKING METER AREA NO. 3 - ESTABLISH
21st Avenue, east side, from 60 feet to 80 feet north of Geary Boulevard (20-foot zone, accommodating 1 parking meter stall)

TOW-AWAY, NO STOPPING, 7 AM - 6 PM, MONDAY THROUGH FRIDAY - RESCIND California Street, south side, from 85 feet to 151 feet east of Kearny Street (66-foot zone)

TAXI ZONE - ESTABLISH
California Street, south side, from 85 feet to 151 feet east of Kearny Street (66-foot zone)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Melrose Avenue, south side, from east terminus east of Foerster Street to 40 feet westerly (40-foot zone, adjacent to Sunnyside Playground)

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Baker Street, east side, from 12 feet to 33 feet north of McAllister Street (21-foot zone, accommodating 6 motorcycle spaces)

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Golden Gate Avenue, south side from 127 feet to 136.5 feet west of Pierce Street (9.5-foot zone, accommodating 2 motorcycle spaces between driveways, in front of 1509 Golden Gate Avenue)

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Napoleon Street, south side, from Jerrold Avenue to 500 feet easterly (500-foot zone)

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH

TOW-AWAY, NO PARKING ANYTIME (FIRE LANE) - ESTABLISH
Farmer's Market Frontage Road, both sides, between Crescent Avenue and Putnam Street (along north and west sides of Farmer's Market property)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Bayside Drive (Treasure Island), both sides, between the east and west intersections of Bayside Drive and Gateview Avenue (replacing existing red zones)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
North Point Drive (Treasure Island), both sides, between the east and west intersections of Gateview Avenue and North Point Drive (replacing existing red zones)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Gateview Avenue (Treasure Island), north/east side, from a point 29 feet west of the driveway at #1306A to a point opposite the south line of the driveway at #1307A (replacing an existing red zone)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Gateview Avenue (Treasure Island), south/west side, between the driveways at #1303D and #1307A (replacing existing red zones)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Gateview Avenue (Treasure Island), west side, from Westside Drive (south intersection) to the driveway at #1311A (replace existing red zones)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Gateview Avenue (Treasure Island), west side, from Westside Drive (south intersection) to the driveway at #1315A (replacing existing red zones)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Gateview Avenue (Treasure Island), both sides, between Westside Drive (north intersection) and Avenue B (north intersection) (replacing existing red zones)

NO PARKING ANYTIME - RESCIND
Jessie Street, north side, between 6th and Mint Streets

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Jessie Street, north side, between 6th and Mint Streets (Parking and Traffic Department)

(DPT Order No. 2399.)

(4/11/02 Categorically Exempt from Environmental Review - existing highways and streets)
3/14/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

## Requests Granted

*From: Supervisor Ammiano*
*To: Director, Mayor's Office of Homelessness*
*Requesting/Inquiring: Requesting a briefing on the current Winter Shelter situation and next steps of providing alternative shelter when the Winter Shelter closes.*

*From: Supervisor Leno*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation that would require the date of expenditures made to political action committees and independent expenditure committees be reported.*

*From: Supervisor Leno*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation that would require all committees to disclose member communications during electoral campaigns according to San Francisco filing requirements.*

*From: Supervisor Leno*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation that would require all committees to disclose independent expenditures during electoral campaigns according to San Francisco, not State filing requirements.*

*From: Supervisor Leno*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation that would limit the time period for candidate fundraising during election seasons.*

*From: Supervisor Leno*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation that would limit personal loans by candidates for all offices to $15,000.*

*From: Supervisor Leno*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation that would enforce a limit on contributions to non-candidate committees.*

*From: Supervisor Peskin*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation to amend Article 10 of the Planning Code. This legislation would, to the extent legally possible, allow the City and County of San Francisco to make rolling stock eligible for historic landmark designation.*

*From: Supervisor Sandoval*
*To: Director, Department of Parking and Traffic*
*To: President, New Mission Terrace Improvement Association*
*Requesting/Inquiring: To report on the feasibility of establishing a stop sign at the intersection of San Jose Avenue and Santa Inez Avenue.*

*From: Supervisor Sandoval*
*To: Director, Department of Public Works*
*To: Director, Juvenile Probation Department*
*To: Chris Bigelow, Department of Public Works*
*To: Greg Lowder, Mayor's Criminal Justice Council*
*Requesting/Inquiring: To report on the cost to build a new juvenile hall facility with 60 to 72 beds. Requesting that DPW use General Fund and City monies (i.e. No State funds) when making this estimate.*

*From: Supervisor Sandoval*
*To: Director, Department of Public Works*
*To: Director, Juvenile Probation Department*
*To: Chris Bigelow, Department of Public Works*
*To: Greg Lowder, Mayor's Criminal Justice Council*
*Requesting/Inquiring: To report on the cost to build a new juvenile hall facility with 50 to 90 beds. Requesting that DPW use General Fund and City monies (i.e. No State funds) when making this estimate.*

*From: Supervisor Sandoval*
*To: Director, Department of Parking and Traffic*
*To: President, New Mission Terrace Improvement Association*
*Requesting/Inquiring: To report on the feasibility of making the pedestrian signal crossing safer at the intersection of Mission Street and Ocean Avenue.*

*From: Supervisor Sandoval*
*To: General Manager, Recreation and Park Department*
*Requesting/Inquiring: To report on the completion timeline for the 2002 summer activity brochures. Also requesting the Recreation and Park Department to investigate and report on summer activity brochures in other cities.*

*From: Supervisor Yee*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation that will require any Department Head seeking additional, non-budgeted funding for extraordinary expenses related to ongoing programs receive approval from the Board of Supervisors prior to contracting for the expenditure of said additional funding.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Karen Marie Reidy (Supervisor Hall)*
*Reverend Peter J. Sammon (Supervisors Maxwell, McGoldrick)*
*Bob Sanford (Supervisor Peskin)*
*Selma Curiel (Supervisor Sandoval)*

## ADJOURNMENT

*There being no further business, the Board at the hour of 9:46 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on May 20, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT
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**Monday, April 8, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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*TOM AMMIANO, PRESIDENT*
*CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,*
*SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,*
*AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE*
***Gloria L. Young, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Ammiano | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 14

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:01 p.m. On call of the roll, the following Supervisor was noted absent:*

*Supervisor Sandoval - 1.*

*Quorum present.*

*Supervisor Sandoval was noted present at 2:02 p.m.*

## APPROVAL OF MEETING MINUTES

**Supervisor Leno, seconded by Supervisor Peskin, moved to approve the February 11 and February 19, 2002 Meeting Minutes. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## AGENDA CHANGES

*The President inquired if there were any changes to the agenda that members were aware of which needed to be continued, tabled, or considered differently.*

*There were none.*

## COMMUNICATIONS

*The Clerk presented a communication from the Department of Elections, dated April 2, 2002, submitting a draft resolution declaring the results of the election and the Official Canvass Report for the March 5, 2002 Gubernatorial Primary Election, copy of which is contained in Board of Supervisors File 020515. (See infra.)*

*The Clerk presented a communication from his honor, the Mayor, returning with his veto the following resolution:*

*Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for large retail uses in C-2, C-M, M-1, M-2, RSD, SLR, SLI, SPD and SSO zones, including, where permissible, lots under the jurisdiction of the San Francisco Port Commission, for a one year period and making a determination of consistency with the priority policies of Planning Code Section 101.1 (File No. 011798). The item will be agendized on April 15, 2002.*

## Privilege of the Floor

**Supervisor Yee, seconded by Supervisor Maxwell, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Introduction of Guests

*Supervisor Maxwell, Bob Dacovich.*

*Supervisor Leno, Hon. Howard Dean.*

*Supervisor Leno, Filipino American World War II Veterans.*

*Supervisor Peskin introduced and welcomed Mayor Lucas, Fabio Mento, Jose Mento, and Charles McNealy from Brazil.*

# CONSENT AGENDA

## Recommendations of the Finance Committee

**020388** **[Contracting out Janitorial Services]**

Resolution concurring with the Controller's certification that janitorial services can be practically performed by private contractor for lower cost than similar services performed by City and County employees. (Parking and Traffic Department)

**Resolution No.** 224-02

**ADOPTED**

**020448** **[California Debt Limit Allocation Committee]**

**Mayor**

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Credit Certificates. (Mayor)

**Resolution No.** 211-02

**ADOPTED**

## Recommendations of the Health and Human Services Committee

**020130** **[Grant - Landscape Management Outreach Partnership]**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $16,250 from the California Integrated Waste Management Board for a compost tea demonstration project and seminars on resource efficient landscaping for the Recreation and Park Department. (Environment)

**Resolution No.** 215-02
**ADOPTED**

**020181** **[Grant for indigent patients at the San Francisco General Hospital Trauma Center and improve the hospital trauma registry]**

**Supervisor Newsom**

Resolution authorizing the San Francisco Department of Public Health, San Francisco County EMS Agency (SFDPH) to accept retroactively and expend a one year grant in the amount of $912,440 from the California Emergency Medical Services Authority (CEMSA) to support the Trauma Center at San Francisco General Hospital and to enter into an agreement for the use of these funds; for the period of July 1, 2001 to June 30, 2002. (Public Health Department)

*Supervisor Newsom requested to be added as sponsor.*

**Resolution No.** 217-02
**ADOPTED**

**020182** **[Study of HIV prevention costs and services]**

Resolution authorizing the San Francisco Department of Public Health (SFDPH) to enter retroactively into an agreement in the amount of $72,500 with The Regents of the University of California San Francisco (UCSF), the primary contractor, for the HIV Prevention Planning Collaborative Allocation Tool project under a one year award from the DHHS Centers for Disease Control and Prevention (CDC); for the period of September 30, 2001 to September 29, 2002. (Public Health Department)

**Resolution No.** 218-02
**ADOPTED**

**020245** **[Executive Nurse Fellows Program]**

Resolution authorizing the San Francisco Department of Public Health, Laguna Honda Hospital & Rehabilitation Center (SFDPH, LHH) to enter retroactively into an agreement with The Regents of the University of California San Francisco (UCSF), the primary contractor, and expend funds in the amount of $45,000 for the conduct of the "Robert Wood Johnson Executive Nurse Fellows Program"; for the period of July 1, 2001 to May 31, 2004. (Public Health Department)

**Resolution No.** 220-02
**ADOPTED**

## Recommendation of the Public Works and Public Protection Committee

**020180** **[Changing Official Width of Sidewalk]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1550 to change the official sidewalk width on the west side of Mission Street from 16th Street southerly, near the southwesterly corner of 16th and Mission Streets; making findings pursuant to Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

**Ordinance No.** 49-02
**FINALLY PASSED**

## Recommendations of the Rules and Audits Committee

**020110** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Fannie Williams, Mariah Gorge (a minor by and through her Guardian ad litem Fannie Williams), Brenda Williams against the City and County of San Francisco for $175,000; the lawsuit was filed on February 2, 1998 in San Francisco Superior Court, Case No. 992-174; entitled Fannie Williams, et al., v. Les Adams, City and County of San Francisco, et al; other material term of said settlement is waiver of $45,522.01 lien to San Francisco General Hospital. (City Attorney)

**Ordinance No.** 40-02
**FINALLY PASSED**

**020249** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the matter of Stephanie Fouchia v. City and County of San Francisco for $65,000. The lawsuit was filed on March 7, 2001, in San Francisco Superior Court, Case No. 319-456; entitled Stephanie Fouchia v. City and County of San Francisco. (City Attorney)

**Ordinance No.** 42-02
**FINALLY PASSED**

**020255** **[Settlement of Lawsuit]**

Ordinance authorizing §998 offer of judgment in the lawsuit filed by Frank Rodriguez against the City and County of San Francisco for $30,001.00 plus reasonable attorneys' fees not to exceed $30,000 and costs; the lawsuit was filed on October 11, 2001 in San Francisco Superior Court, Case No. 400-133; entitled Frank Rodriguez, v. City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 43-02
**FINALLY PASSED**

**020330** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Miguel Martinez (Barrera) against the City and County of San Francisco for $412,500.00; the lawsuit was filed on June 23, 2000 in Superior Court, Case No. 313-139; entitled Miguel Martinez (Barrera) vs.City and County of San Francisco, et al. (City Attorney)

**Ordinance No.** 44-02
**FINALLY PASSED**

**020331** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Rosa Corrales against the City and County of San Francisco for $500,000.00; the lawsuit was filed on October 3, 2000 in San Francisco Superior Court, Case No. 315-584; entitled Rosa Corrales v. Regents of the University of California, et al; there are no other material terms to said settlement. (City Attorney)

**Ordinance No.** 45-02
**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Finance Committee

**020368** **[Supplemental Appropriation - San Francisco's Finance Corp.]**
**Mayor**

Ordinance appropriating $8,420,000 from the sale of lease-revenue bonds by the San Francisco Finance Corporation to fund purchase of equipment citywide for fiscal year 2001-02. (Mayor)

(Fiscal impact.)

**Ordinance No.** 39-02
**FINALLY PASSED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020369** **[MOU - Fire]**
**Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between Municipal Executives' Association (Fire) and the City and the County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003. (Mayor)

**Ordinance No.** 46-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

**020370** **[MOU - Police]**
**Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between Municipal Executives' Association (Police) and the City and the County of San Francisco to be effective for the period July 1, 2001 through June 30, 2003. (Mayor)

**Ordinance No.** 47-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

### From Finance Committee Without Recommendation

**020248** **[Supplemental Appropriation, Department of Elections]**

Ordinance appropriating $1,372,007 of the General Reserve and reappropriating $1,800,000 from the lease-purchase of election equipment for a total of $3,172,007 to fund salaries, fringe benefits, and other current expenses for the Department of Elections for fiscal year 2001-02. (Elections Department)

(Fiscal impact.)

**Ordinance No.** 41-02

**FINALLY PASSED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Rules and Audits Committee

**020319** **[Municipal Code Amendment - Deletion of Court Reporter Requirement for Board of Appeals]**

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Section 11 to authorize the Board of Appeals to use the Department of Telecommunications and Information Technology's Citywatch Cable Channel videotape or an audiotape as a record of the Board's proceedings in lieu of attendance at the hearing by a court reporter. (Board of Appeals)

*Supervisor Peskin presented an amendment of the whole.*

**Supervisor Peskin, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Section 11 to authorize the Board of Appeals to use the Department of Telecommunications and Information Technology's Citywatch Cable Channel videotape as a record of the Board's proceedings in lieu of attendance at the hearing by a court reporter. (Board of Appeals)

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020407** **[General Obligation Bond Accountability Reports]**

**Supervisor Yee**

Ordinance amending Chapter 2, Article VIII of the Administrative Code of the City and County of San Francisco to provide additional further requirements for the expenditure of general obligation bond proceeds.

**Ordinance No.** 48-02

**FINALLY PASSED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## From Rules and Audits Committee Without Recommendation

020339 [Appointment]

Motion appointing Supervisor Leland Yee, term ending February 1, 2005, to the Bay Area Air Quality Management District Board of Directors.

Supervisor Leland Yee, succeeding Supervisor Tony Hall, Seat No. 1, must be a member of the San Francisco Board of Supervisors, for the unexpired portion of a four-year term ending February 1, 2005.

*Supervisor Yee was previously excused from voting. See Meeting Minutes of March 25, 2002.*

**NOT APPROVED by the following vote:**

Ayes: 4 - Maxwell, McGoldrick, Newsom, Sandoval
Noes: 6 - Ammiano, Daly, Gonzalez, Hall, Leno, Peskin
Excused: 1 - Yee

## Recommendation of the Transportation and Commerce Committee

012127 **[Prohibition of New Live/Work Units]**
**Supervisors Ammiano, Daly**

Ordinance amending the San Francisco Planning Code by amending the definition of "Live/Work Unit" in Section 101.13 to clarify that the residential use and the integrated work space must be in the same unit, and by amending Section 233 to prohibit new Live/Work Units except for accessory uses authorized by Section 204.4.

(Planning Commission Resolution #16359 adopted 3/7/02 recommending disapproval. Certificate of Exemption/Exclusion from Environmental Review dated 2/28/02)
(Supervisor Hall dissenting in Committee.)

(April 19, 2002 - VETOED by Mayor.)

Note: The Board has 30 days to act from the date the legislation was signed by the Mayor. Override of a veto requires a 2/3rds vote of the Board, the Board may either vote the legislation up or down, no amendments. The 30th day from April 19, 2002 is May 19, 2002.

*Supervisor Newsom was previously excused from voting. See Meeting Minutes of March 25, 2002.*

**Ordinance No.** 56-02

**FINALLY PASSED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 1 - Hall
Excused: 1 - Newsom

# NEW BUSINESS

## Recommendations of the Finance Committee

**020197 [Golf Fund]**
**Supervisors Hall, Daly, McGoldrick, Maxwell, Newsom**

Ordinance amending Chapter 10, Article XIII of the San Francisco Administrative Code by adding Section 10.100-256 thereto, establishing a San Francisco Recreation and Parks Golf Fund.

*Supervisors McGoldrick, Maxwell, Newsom requested to be added as co-sponsors.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020198 [Determination of Fees at Harding Park and Fleming Golf Courses]**
**Supervisors Hall, Daly, Maxwell, Newsom**

Ordinance amending Article XII of the San Francisco Park Code by adding Section 12.12 thereto setting forth a fee structure for Harding Park and Fleming Golf Courses.

*Supervisor Sandoval, seconded by Supervisor Yee, moved to amend page 173, lines 15 and 21, by deleting the word "final"; Page174, add a final line, "The Board shall maintain the final authority regarding the fee structure for the golf courses".*

*Motion to amend failed by the following vote:*
*Ayes: 2 - Sandoval, Yee*
*Noes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin*

*The roll was then called on the pending ordinance.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020201 [PGA Tour Championship at Harding Park Golf Course]**
**Supervisors Hall, Maxwell, Newsom**

Resolution approving and authorizing a Master Tournament Agreement with PGA Tour, Inc., for the use of Harding Park Golf Course for the PGA Tour Championship Tournament.

*Supervisors Maxwell, Newsom requested to be added as co-sponsors.*
Resolution No. 219-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020286 [State grant for renovation of Harding Park and Fleming Golf Courses]**
**Supervisors Hall, Daly, Maxwell, Newsom**

Resolution authorizing the City and County of San Francisco to accept and expend State grant funds under the Per Capita Grant Program, in the amount of $8,111,000, and under the Roberti-Z'berg-Harris Urban Open Space and Recreation Program Block Grant, in the amount of $5,016,627, from the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such action is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

*Supervisors Maxwell, Newsom requested to be added as co-sponsors.*
Resolution No. 221-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020404 [MOU Amendment No. 1 - 2001-2003 Collective Bargaining between MEA and CCSF]**
**Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2001-2003 Collective Bargaining Agreement between the Municipal Executives' Association and the City and County of San Francisco by amending Article III.DD to incorporate the parties' agreement regarding the Management Compensation and Classification Plan. (Mayor)

**PASSED, ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020333 [Outreach Advertising]**
Resolution approving additional funds for outreach advertising in fiscal year 2001-2002. (Purchaser)

**Resolution No.** 223-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020395 [Gift - SF Public Library]**
**Supervisor Newsom**

Resolution authorizing the San Francisco Public Library to accept and expend a gift in the amount of $150,100 from the Friends and Foundation of the San Francisco Public Library for the Ocean View Art Project and for the James C. Hormel Gay and Lesbian Center. (Public Library)

*Supervisor Newsom requested to be added as sponsor.*
**Resolution No.** 225-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## From Finance Committee Without Recommendation

**020405 [MOU Amendment No. 1 - 2001-2003 Collective Bargaining between IFPTE, Local 21 and CCSF]**
**Mayor**

Ordinance approving a settlement and adopting and implementing Amendment No. 1 to the 2001-2003 Collective Bargaining Agreement between the International Federation of Professional and Technical Engineers, Local 21 and the City and County of San Francisco by amending Article III.B.1.p to incorporate the parties' settlement of an interest arbitration proceeding over wage adjustments for professional architect and landscape architect classifications. (Mayor)

**PASSED ON FIRST READING by the following vote:**
Ayes: 9 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 2 - Daly, Gonzalez

## Recommendation of the Health and Human Services Committee

**011575 [Rent Ordinance Amendments]**
**Supervisor Daly**

Ordinance amending the Rent Ordinance (Administrative Code Chapter 37, Residential Rent Stabilization and Arbitration Ordinance) by amending Sections 37.9, 37.9B and 37.10A to provide additional protections to tenants, and to conform to state law regarding misdemeanor violations, as follows: (1) Require the Rent Board to record owner move-in eviction notices with the County Recorder; (2) Require eviction notices to be in writing and filed with the Rent Board; (3) Subject vacated units to the future use restrictions stated in the Rent Ordinance, regardless of any agreement made between the landlord and the vacating tenant; (4) Require a tenant to be represented by independent counsel in a court-supervised settlement agreement, in order to waive any tenant rights under the Rent Ordinance; (5) Prohibit settlement agreement clauses that bar an evicted tenant from cooperation with a governmental investigation or proceeding; (6) Require the seller of a property to give written notice to the buyer disclosing the legal ground(s) for the termination of the tenancy for each residential unit to be delivered vacant at the close of escrow; and (7) Conform misdemeanor provisions to state law ($1,000 fine plus possible imprisonment in County Jail for up to six months).

*Supervisor Daly requested the matter be continued to April 15, 2002.*

**Supervisor Daly, seconded by Supervisor Newsom, moved that this Ordinance be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendation of Neighborhood Services and Recreation Committee

**020329 [Liquor License Transfer, 251 Clement Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine alcoholic beverage control license to Andy Huynh for Kute Accessories, Inc. dba "Super Tokio" from 5 Embarcadero Center to 251 Clement Street (District 1), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code.

**Resolution No.** 222-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendation of the Public Works and Public Protection Committee

**020420 [State Grant - Public Utilities Commission]**
**Mayor**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission and the Executive Director of the Department of Parking and Traffic to apply for, accept and expend low interest loans from the California Energy Commission to support peak load reduction projects for City facilities. (Mayor)

**Resolution No.** 227-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Rules and Audits Committee

**012004** **[Real Estate Loan Counseling and Education Program]**
**Supervisors Yee, Sandoval, Maxwell**

Ordinance adding Chapter 92 to the Administrative Code approving a pilot consumer counseling and educational program in the Department of Aging and Adult Services, including distribution of educational materials on predatory loan practices, and provision of individual loan counseling for loans secured by San Francisco residential property.

*Supervisor Maxwell requested to be added as co-sponsor.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012088** **[Appointment]**
Motion appointing Michael Garcia, term to be determined, to the Ethics Commission.

Michael Garcia, new position, seat 1, must be a representative of the general public, term to be determined.

*Supervisor McGoldrick, seconded by Supervisor Daly, moved to change the name to Victor Hwang.*

*Supervisor Peskin moved substitute motion to re-refer this matter to committee.*
**Supervisor Peskin, seconded by Supervisor Daly, moved that this Motion be RE-REFERRED to the Rules and Audits Committee. The motion carried by the following vote:**
Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 4 - Gonzalez, Hall, Leno, Newsom

## From Rules and Audits Committee Without Recommendation

**020020** **[Bond Truth Act]**
**Supervisor Yee**

Ordinance amending Chapter 10 of the Administrative Code by adding Article IX thereto; requiring any ballot measure submitted to the voters to include certain information; requiring public access to financing proposals for capital projects; requiring the commitment of additional funds for projects financed in part with bond proceeds; limiting the transferability of bond authority for other projects; authorizing the expiration of bond authority; requiring the Controller to enforce this Article; and all other matters related thereto.

*Supervisor Leoo requested the matter be re-referred to Committee.*
**Supervisor Leno, seconded by Supervisor Gonzalez, moved that this Ordinance be RE-REFERRED to the Rules and Audits Committee. The motion carried by the following vote:**
Ayes: 6 - Ammiano, Daly, Gonzalez, Leno, Maxwell, Peskin
Noes: 5 - Hall, McGoldrick, Newsom, Sandoval, Yee

**020419** **[Appointment of Major General James M. Myatt]**
**Mayor**

Resolution approving the Mayor's appointment of Major General James M. Myatt to the Telecommunications Commission, for the term ending July 1, 2002. (Mayor)

**Resolution No.** 226-02
**ADOPTED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Yee

## SPECIAL ORDER 3:00 P.M.

**020479** **[Public Hearing - Conditional Use Appeal, 417 31st Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16346 dated February 14, 2002, approving Conditional Use Application No. 2001.0926C, to mount a total of three panel antennas to the belfry of an existing Church, within an NC-1 (Neighborhood Commercial Cluster) Zoning District and a 40-X Height and Bulk District, pursuant to Section 710.83 of the Planning Code, on property located at 417 31st Avenue, southwest corner of 31st Avenue and Clement Street; Lot 001, in Assessor's Block 1463.

(Filed March 18, 2002; Categorically exempt from environmental review process pursuant to exemption Classes 1, 3 and 11 of Title 14 of the California Administrative Code; Case No. 2001.0926C; companion measure to Files 020480, 020481, 020482; District 1.)

*Supervisor McGoldrick requested the matter be continued to April 29, 2002.*

**Supervisor McGoldrick, seconded by Supervisor Leno, moved that this Hearing be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

### (Only one of the following two motions should be adopted.)

**020480** **[Appeal, Conditional Use, 417 31st Avenue]**

Motion approving decision of the Planning Commission by its Motion No. 16346, approving Conditional Use Application No. 2001.0926C, on property located at 417 31st Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor McGoldrick requested the matter be continued to April 29, 2002.*

**Supervisor McGoldrick, seconded by Supervisor Leno, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020481** **[Appeal, Conditional Use, 417 31st Avenue]**

Motion disapproving decision of the Planning Commission by its Motion No. 16346, approving Conditional Use Application No. 2001.0926C, on property located at 417 31st Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor McGoldrick requested the matter be continued to April 29, 2002.*

**Supervisor McGoldrick, seconded by Supervisor Leno, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020482** **[Findings - 417 31st Avenue]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2001.0926C, on property located at 417 31st Avenue, for action by the Board at its next meeting. (Clerk of the Board)

*Supervisor McGoldrick requested the matter be continued to April 29, 2002.*

**Supervisor McGoldrick, seconded by Supervisor Leno, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## PUBLIC COMMENT

*Abdallah Megahed, health care, peace in Middle East, homelessness;*
*Trisha Boyian, big box legislation;*
*Bernie Mig, homelessness;*
*Female speaker, economy with China;*
*Male speaker, help stop persecution of China human rights;*
*James Chaffee, corruption in the Public Library;*
*Rev. Judy Fine, reserve at U.C. Medical Center, animal testing;*
*Male speaker, war.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**020497** **[Gift - Recreation and Park Department]**
**Supervisors Hall, Newsom**

Resolution accepting and expending a gift in place in the amount of $21,800 from the Friends of West Portal Playground to the Recreation and Park Department for tennis court improvements at West Portal Playground.

*Supervisor Newsom requested to be added as co-sponsor.*

**Resolution No.** 212-02
**ADOPTED**

**020498** **[Gift - Strybing Arboretum Society]**
**Supervisors McGoldrick, Newsom**

Resolution accepting and expending a gift of $240,000 from the Strybing Arboretum Society to fund renovations to the County Fair Building at the Strybing Arboretum and Botanical Gardens in Golden Gate Park.

*Supervisor Newsom requested to be added as co-sponsor.*

**Resolution No.** 213-02
**ADOPTED**

**020499 [Federal Earmarks for the Central Subway and Doyle Drive Projects]**
**Supervisors Peskin, Maxwell, McGoldrick, Newsom**

Resolution supporting a $5 million Federal earmark for the Central Subway project and a $3 million federal earmark for the Doyle Drive Replacement project and urging members of the San Francisco Bay Area Congressional Delegation to work diligently to gain funding for these important projects.

*Supervisors Maxwell, McGoldrick, Newsom requested to be added as co-sponsors.*
**Resolution No.** 228-02
**ADOPTED**

**020500 [Commend - Archbishop Riordan High School Basketball Team]**
**Supervisors Hall, Daly, Sandoval, Maxwell, McGoldrick**

Resolution commending the Archbishop Riordan High School basketball team for winning the California Division III men's basketball championship.

*Supervisor McGoldrick requested to be added as co-sponsor.*
**Resolution No.** 229-02
**ADOPTED**

**020501 [Commend - Archbishop Riordan High School Basketball Team]**
**Supervisors Maxwell, McGoldrick, Hall**

Resolution commending the Archbishop Riordan Crusaders on winning the California Interscholastic Federation State Champion Division III Title.

*Supervisors McGoldrick, Hall requested to be added as co-sponsors.*
**Resolution No.** 230-02
**ADOPTED**

**020503 [Commend - Archbishop Riordan High School Basketball Team]**
**Supervisors Newsom, Sandoval, Maxwell, McGoldrick, Hall**

Resolution congratulating the Archbishop Riordan High School Basketball Team for winning the California Interscholastic Federation State Championship Division III, the first State championship title earned by a San Francisco team since 1926.

*Supervisors McGoldrick, Hall requested to be added as co-sponsors.*
**Resolution No.** 231-02
**ADOPTED**

**020504 [Commend - Rebecca Silverberg]**
**Supervisors Yee, Leno, McGoldrick, Newsom, Hall**

Resolution commending Rebecca Silverberg for being honored as 12th Assembly District Woman of the Year.

*Supervisors Leno, McGoldrick, Newsom, Hall requested to be added as co-sponsors.*
**Resolution No.** 232-02
**ADOPTED**

**020515** **[Declaration of March 5, 2002 Election Results]**

Resolution declaring the results of the Consolidated Primary Election conducted March 5, 2002 in the City and County of San Francisco. (Elections Department)

**Resolution No.** 233-02

**ADOPTED**

**020533** **[Stop Sign Designation - Union and Powell Streets]**

**Supervisors Peskin, Newsom**

Resolution urging the installation of 4-way Stop signs at the intersection of Union and Powell Streets.

*Supervisor Newsom requested to be added as co-sponsor.*

**Resolution No.** 234-02

**ADOPTED**

**020487** **[Needle Exchange Emergency]**

**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

**Motion No.** M02-51

**APPROVED**

**020516** **[Final Map for a 5 Lot Airspace Subdivision Project]**

Motion approving Final Map of 399 Fourth Street, a Subdivision of Airspace for Residential and Commercial Purposes, being a subdivision of Lot 410, Assessor's Block No. 3751, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,458; District 6.)

**Motion No.** M02-52

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Severed From For Adoption Without Committee Reference

**020502 [Commend - Lucy Spector]**
**Supervisor Newsom**

Resolution commending Lucy Spector on her service as a San Francisco business owner for fifty years and dedicating April 8, 2002 as "Lucy Spector Day" for the City and County of San Francisco.

*Supervisor Newsom requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.*

*Supervisor Newsom moved to amend the title, Page 1, line 5, to replace "April 8, 2002" with "April 15, 2002" and on Page 1, line 22, to replace "April 8, 2002" with "April 15, 2002".*

**Supervisor Newsom, seconded by Supervisor Daly, moved that this Resolution be AMENDED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Resolution commending Lucy Spector on her service as a San Francisco business owner for fifty years and dedicating April 15, 2002 as "Lucy Spector Day" for the City and County of San Francisco.

*Supervisor Newsom requested this matter be continued to April 15, 2002.*

**Supervisor Newsom, seconded by Supervisor Daly, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020532 [Off-site Meeting - Health and Human Services Committee]**
**Supervisor Daly**

Motion scheduling an off-site meeting of the Health and Human Services Committee at San Francisco General Hospital, 1001 Potrero Avenue, to discuss the Health Department budget on May 2, 2002 at 4:00 PM.

*Supervisor Daly requested this matter be severed from For Adoption Without Committee Reference agenda so it could be considered separately.*

*Supervisor Daly presented an amendment of the whole bearing a new title.*

**Supervisor Daly, seconded by Supervisor Newsom, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**Motion No.** M02-53

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Leno, seconded by Supervisor Newsom, moved ADOPTION of the commendatory finding. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*[Brown Act Finding]*

*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Leno, seconded by Supervisor Newsom, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

### Imperative Agenda

**020545 [Declaring Bataan Day of Valor]**
**Supervisors Leno, Daly, Newsom**

Resolution declaring April 9, 2002 Bataan Day of Valor in San Francisco.

*Supervisors Leno, Daly presented for immediate adoption.*

**Resolution No.** 216-02

**Supervisor Leno, seconded by Supervisor Newsom, moved that this Resolution be ADOPTED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## OFF-AGENDA LEGISLATION

### Introduced by Supervisors or Mayor

### Ordinances

**020193 [Emergency Response Fee Amendments]**
**Supervisors Peskin, Daly**

Ordinance amending Articles 6 and 10a of the San Francisco Business And Tax Regulations Code by amending Sections 6.1-1, 750, 751, 753, 755 and 757, deleting section 756 and adding sections 752.2 And 755.1 to clarify the application of the Code's common administrative provisions to the Emergency Response Fee; to provide for use of Emergency Response Fee Revenues for operating costs of the 911 Communication System; to update the findings supporting the fee; to increase the amount of the annual cap on fee payments per account, per service location to reflect inflation; to increase the fee rate for trunk line subscribers and add a rate for high capacity trunk line subscribers; and to eliminate the fee sunset, and amending section 10.100-67 of the San Francisco Administrative Code to allow for use of monies in the Emergency Communications 911 Emergency Response Fund for operating costs of the 911 Communication System.

(Fiscal impact.)

2/4/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 3/6/2002.

4/8/02, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title, approved as to form.

4/8/02, ASSIGNED to Finance Committee.

**020548 [Codifying Amortization Schedules for 100% Passthrough of Certified Capital Improvements]**
**Supervisor Peskin**

Ordinance amending the Residential Rent Stabilization and Arbitration ordinance by amending Section 37.7: to codify seven and ten-year amortization schedules for certified capital improvement, rehabilitation and energy costs passed through from landlords to tenants who benefit; to provide that 100% of such certified costs may be passed through to tenants, except that where an application was filed before April 8, 2002 and the decision was not yet final or was subject to direct review as of April 8, 2002, only 50% of the certified costs may be passed through to tenants; providing that no rent increase under this Section 37.7 shall exceed, in a twelve-month period, ten percent (10%) of the tenant's base rent at the time the petition was filed or $30.00, whichever is greater; and providing that a landlord may accumulate any qualifying certified increase that exceeds this twelve-month cap and impose it in subsequent years, still subject to this same ten percent or $30.00 limitation in a twelve-month period.

4/8/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 5/8/2002.

**020549 [Fourth and Freelon Streets Special Use District]**
**Supervisor Daly**

Ordinance amending the San Francisco Planning Code by adding Section 249.23 to create the Fourth and Freelon Streets Special Use District encompassing the property zoned Service Light Industrial and bounded by Fourth Street, Freelon Street, Zoe Street and Welsh Street and by adding Section 263.16 to create special height and bulk exceptions for the Fourth and Freelon Streets Special Use District, which would allow previously approved but unbuilt live/work units to convert to market-rate residential units and additional market-rate residential units to be constructed with an allowable increase in height from 50' to 85' and a dwelling unit density governed by the permissible building envelope; provided that (i) the developer shall construct at the developer's sole expense, on land owned or purchased by the developer, off-site affordable housing with square footage equal to 15% of the total residential units to be constructed offset by the cost of land acquisition, (ii) the units shall be affordable to low- and moderate income households with income not exceeding 60% of San Francisco's median income and (iii) upon completion, the affordable housing development shall be owned, managed and operated by a nonprofit housing organization.

(Companion measure to File 020550.)
4/8/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 5/8/2002. 4/12/02 - Transmitted to Planning Commission for public hearing and recommendation.

**020550 [Zoning Map Amendment]**
**Supervisor Daly**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco to change the use classification and the height and bulk designation of the property zoned Service Light Industrial and bounded by Fourth Street, Freelon Street, Zoe Street and Welsh Street.
4/8/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 5/8/2002. 4/12/02 - Transmitted to Planning Commission for public hearing and recommendation.

**020551 [Year 2002 Annual Joint Fundraising Drive Application and Designation Deadlines]**
**Mayor**

Ordinance amending Section 16.93-4 of the San Francisco Administrative Code, which establishes March 1 of each year as the deadline for agencies who wish to participate in the Annual Joint Fundraising Drive to submit their applications, and which establishes May 1 of each year as the deadline for the Board to designate those agencies that qualify to participate in the City's Annual Drive for that year, to allow any Mayor's Fund to submit by April 15, 2002, their application to participate in the 2002 Annual Drive, and to allow the Board to designate those agencies that qualify to participate in the City's Annual Drive for 2002 by June 1, 2002. (Mayor)
4/8/02, RECEIVED AND ASSIGNED to Finance Committee.

**020585 [Establishing a Library Citizens Advisory Committee]**
**Supervisor Yee**

Ordinance amending Chapter 5 of the San Francisco Administrative Code by adding Article 24, Section 5.240, to establish the Library Citizens Advisory Committee as an advisory committee to the Board of Supervisors.
4/8/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

## Resolutions

**020546 [SFUSD to Offer Students Neighborhood School Facilities]**
**Supervisor Yee**

Resolution urging the San Francisco Unified School District (SFUSD) to provide adequate facilities to accommodate all public school enrollees sufficient school space in their neighborhoods.
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020552 [SFPD-Graffiti Abatement Team]**
**Supervisor Newsom**

Resolution urging the San Francisco Police Department in collaboration with the Office of the District Attorney to increase the enforcement and prosecution of offenders cited for graffiti and to collaborate with the Department of Public Works to expand and enhance public school outreach at the middle and high school level regarding the consequences of tagging public or private property.
4/8/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020553 [DPW-Graffiti Abatement Team]**
**Supervisor Newsom**

Resolution urging the Department of Public Works to engage in all efforts to reduce the level of graffiti Citywide, including providing awards for information leading to the arrest of graffiti perpetrators and adopting a model similar to the one being utilized in San Jose, California and utilizing graffiti abatement models, such as the one administered in San Jose, California, in order to contact telephone, billboard, garbage, newspaper and other business entities that may have graffiti on their "property" and to develop an agreement with them, which requires that these businesses maintain their respective property as graffiti free and in the event that graffiti reappear on their property that they immediately abate it and to collaborate with the San Francisco Police Department to expand and enhance public school outreach at the middle and high school level regarding the consequences of tagging public or private property.
4/8/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020554 [Agreement for the Purchase and Sale of Recycled Water]**
**Supervisors Maxwell, Peskin**

Resolution approving and authorizing the SFPUC General Manager to sign an Agreement for the Purchase and sale of recycled water between the SFPUC, the City of Daly City, and three local area golf courses (i.e. Olympic Club, San Francisco Golf Club and the Lake Merced Golf Club).

(Fiscal impact.)
4/8/02, RECEIVED AND ASSIGNED to Finance Committee.

**020555 [First Amendment to Water Supply Contract]**
**Supervisors Maxwell, Peskin**

Resolution approving and authorizing the SFPUC General Manager to sign the First Amendment to the water supply contract between the City and County of San Francisco and the City of Daly City for purposes of conducting an Aquifer Recharge Study.
4/8/02, RECEIVED AND ASSIGNED to Finance Committee.

020557 **[Commendation]**
**Supervisors Yee, Hall**

Resolution commending the efforts of all volunteers dedicated to protecting and restoring San Francisco's precious environmental and recreational resources at Fort Funston, the sponsors of Earth Day 2002 at Fort Funston, particularly Pacific Gas & Electric Company and the California Jeep Dealers, and their employees for their commitment to environmental preservation in San Francisco, and declaring April 20, 2002 to be Earth Day 2002 at Fort Funston.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020558 **[Presidio Commissary]**
**Supervisors Yee, McGoldrick**

Resolution urging Congress and the General Services Administration (GSA) to allow for the continued operation of the Presidio Commissary.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020559 **[Armenian Genocide Commemoration Day]**
**Supervisors Peskin, Hall, Ammiano, Maxwell, Daly, McGoldrick, Newsom, Sandoval, Gonzalez**

Resolution declaring April 24th, 2002 Armenian Genocide Commemoration Day in San Francisco.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020560 **[San Francisco Graffiti Advisory Board]**
**Supervisors Newsom, Hall**

Resolution urging the San Francisco Graffiti Advisory Board to convene pursuant to Administrative Code 5.172, which defines the purpose and duties of the Advisory Board.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020561 **[ABAG Finance Authority - Hamlin School]**
**Supervisor Newsom**

Resolution authorizing the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $8,000,000 for The Hamlin School, or an affiliate.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020562 [Commendation]**
**Supervisor Newsom**

Resolution commending Kaiser Permanente San Francisco Medical Center for its recognition by the American Heart Association at the "Celebrate with Heart 2002" Gala for twenty years of excellence in the field of cardiovascular medicine.
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020563 [AB 2677 - Preferential Parking Programs]**
**Supervisor Newsom**

Resolution urging the California State Legislature to adopt and Governor Gray Davis to sign Assembly Bill (AB) 2677, which would authorize State and local municipalities to establish preferential parking programs for low emission reduction vehicles and environmentally viable transportation alternatives.
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020564 [DHS - Access to California Law Enforcement Telecommunications System (CLETS)]**
**Supervisor Newsom**

Resolution authorizing the San Francisco Department of Human Services direct access to the California Law Enforcement Telecommunications System (CLETS) to obtain criminal history information for the specific purpose of assessing whether or not the particular placement of a child for whom DHS has care and custody is safe and appropriate.
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020565 [Preservation of Neighborhood Theatres]**
**Supervisors Newsom, Hall, Daly, McGoldrick**

Resolution requesting the Planning Department to conduct a comprehensive study on the impact of the loss of neighborhood theatres on the character and economic vitality of neighborhood commercial districts.
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020566 [Grant - Public Defender's Office]**
**Supervisor Maxwell**

Resolution authorizing the Public Defender's Office to accept and expend a grant in the amount of $160,000 from the Governor's Office of Criminal Justice planning to help indigent inmates file motions to establish their innocence.
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020567** **[Passage of HR 491 and SB 1042]**
**Supervisors Leno, Daly, Gonzalez, Sandoval, McGoldrick, Peskin**

Resolution urging the U.S. Congress to pass and President George W. Bush to sign HR 491, Filipino Veterans Equity Act, and SB 1042, Filipino Veterans Benefit Improvement Act.
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020568** **[Child Care Subsidy]**
**Supervisors Leno, Maxwell, Daly**

Resolution urging the California State Legislature to oppose the Governor's child care subsidy proposal.
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020569** **[Dolores Street Community Services]**
**Supervisors Leno, Maxwell, Peskin, Daly**

Resolution commending Dolores Street Community Services on its 20th anniversary and declaring April 25th "Dolores Street Community Services Day in San Francisco."
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020570** **[Miraloma Elementary School Day]**
**Supervisors Hall, Newsom, Peskin**

Resolution proclaiming May 4, 2002 as "Miraloma Elementary School Day" in the City and County of San Francisco in honor of the school's 50th anniversary.
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020571** **[Heritage Tree Preservation Act of 2002]**
**Supervisors Gonzalez, Peskin, McGoldrick**

Resolution supporting the Heritage Tree Preservation Act of 2002 and urging San Franciscans and Californians to sign petitions to place this initiative on the November 2002 state ballot.
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020572** **[Commendation]**
**Supervisors Leno, Newsom, Peskin**

Resolution commending Helen Myers who was recently named Woman of the Year by the California State Assembly and Assemblywoman Carole Migden.
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020583 [Bear Hunting]**
**Supervisors Gonzalez, Peskin**

Resolution urging the California State Fish & Game Commission to reject a proposed regulation change that would increase the annual limit on hunting bears from 1,500 to 1,700.
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020584 [Condemning Hate Crimes]**
**Supervisors Ammiano, Peskin, Daly, McGoldrick**

Resolution condemning the hateful messages targeting the Arab community and Women graffiti recently sprayed across one of the colorful murals at the Women's Building.
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020586 [Commending the National Youth Commission of Taiwan]**
**Supervisors Ammiano, Peskin**

Resolution acknowledging and commending the National Youth Commission of Taiwan for their commitment to honoring the positive contributions of young people throughout the world.
4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020573 [Transit Impact Development Fee]**
**Supervisor McGoldrick**

Hearing on update of the Transit Impact Development Fee.
4/8/02, RECEIVED AND ASSIGNED to Finance Committee.

**020574 [April 16, 2002 Preliminary Budget Committee Hearings]**
**Supervisor Maxwell**

Hearings on the following departments' Preliminary Budgets to be scheduled for April 16, 2002 meeting:

SUBMITTED DEPARTMENTS: Administrative Services-Consumer Assurance; Telecommunications & Information Services.
DEPARTMENTAL PRESENTATIONS: Department of Public Works; Port; Public Utilities Commission (Clean Water, Hetch Hetchy, Light, Heat and Power, Water Department).
4/8/02, RECEIVED AND ASSIGNED to Budget Committee.

**020575** **[April 23, 2002 Preliminary Budget Hearings]**
**Supervisor Maxwell**

Hearings on the following departments' Preliminary Budgets to be scheduled for April 23, 2002 meeting:

SUBMITTED DEPARTMENTS: Child Support Services, Rent Arbitration Board, Department of the Status of Women.
DEPARTMENTAL PRESENTATIONS: Redevelopment Agency, Public Library, Elections, Recreation and Park, City Planning,
4/8/02, RECEIVED AND ASSIGNED to Budget Committee.

**020576** **[Proposition F, Citizens' General Obligation Bond Oversight Committee]**
**Supervisor Leno**

Hearing to discuss the implementation of Proposition F, the Citizens' General Obligation Bond Oversight Committee ballot measure, approved by voters in March of 2002.
4/8/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020577** **[Independent Living Services Offered by CCSF]**
**Supervisor Daly**

Hearing to discuss independent living services offered by the City and County of San Francisco, and the recommendations of the Office of Legislative Analyst.
4/8/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020578** **[Needs of Emancipated Youth]**
**Supervisor Daly**

Hearing to discuss the unique needs of emancipated youth and the role of the Human Services Department.
4/8/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020581** **[Exploitation of Teenage Girls]**
**Supervisor Ammiano**

Hearing on the exploitation, abuse and neglect of teenage girls.
4/8/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020582** **[South Park]**
**Supervisor Daly**

Hearing to consider current conditions at South Park, specifically conflicts between user groups, safety and maintenance of the play area, and park space.
4/8/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

**011344 [Palace of Fine Arts Renovation]**
**Supervisor Newsom**

Hearing regarding the status of the renovation and seismic retrofitting of the Palace of Fine Arts; as well as the timeline of the renovation and retrofitting projects, the expected dates of completion, the costs of renovation, the status of the lagoon and potential testing of the lagoon and potential pathway replacements.

7/16/01, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

1/25/02, FILED PURSUANT TO RULE 5.38.

4/8/02, REACTIVATED PURSUANT TO RULE 5.24. Supervisor Newsom requested this matter be reactivated.

4/8/02, ASSIGNED to Neighborhood Services and Recreation Committee.

**011265 [Incorporation of DPT into MTA]**
**Supervisor Newsom**

Hearing on the 1999 Charter Amendment, Proposition E, requiring the incorporation of the Department of Parking and Traffic into the Municipal Transportation Authority.

7/2/01, RECEIVED AND ASSIGNED to Rules Committee.

1/16/02, FILED. Filed pursuant to rule 5.38.

4/8/02, REACTIVATED PURSUANT TO RULE 5.24. Supervisor Newsom requested this matter be reactivated.

4/8/02, ASSIGNED to Rules and Audits Committee.

**011266 [Status of Parking Lot at the Hall of Justice]**
**Supervisor Newsom**

Hearing regarding the status of the parking lot at the Hall of Justice at 850 Bryant Street, and possible means of alternative sites for parking and incentives for jurors to subsidize modes of transit used.

7/2/01, RECEIVED AND ASSIGNED to Housing, Transportation and Land Use Committee.

1/30/02, FILED PURSUANT TO RULE 5.38.

4/8/02, REACTIVATED PURSUANT TO RULE 5.24. Supervisor Newsom requested this matter be reactivated.

4/8/02, ASSIGNED to Transportation and Commerce Committee.

**011264 [City's Incentive Savings Account Program]**
**Supervisor Newsom**

Hearing on the current status of the City's Incentive Savings Account Program for City departments and ways in which to improve the efforts of departments to best utilize the Incentive Savings Account.

7/2/01, RECEIVED AND ASSIGNED to Finance Committee.

3/6/02, FILED PURSUANT TO RULE 5.38.

4/8/02, REACTIVATED PURSUANT TO RULE 5.24. Supervisor Newsom requested this matter be reactivated.

4/8/02, ASSIGNED to Finance Committee.

## Motions

**020544** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020556** **[Considering whether the Board of Supervisors declare itself to be the Redevelopment Agency]**
**Supervisor McGoldrick**

Motion directing the Clerk of the Board of Supervisors to notice and convene a public hearing pursuant to Sec. 33200(b) of the California Community Redevelopment Law (Health & Safety Code Sec. 33000, et seq.), for consideration of whether the Board of Supervisors shall declare itself to be the Redevelopment Agency for the City and County of San Francisco and thereby replace the existing Redevelopment Agency and its appointed Board; and further directing the Clerk to cause the preparation of reports or proposals as necessary for the hearing.

4/8/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### Introduced by the President at the Request of Departments

## PROPOSED ORDINANCES

**020468** **[MOU Amendment No. 4, SEIU, AFL-CIO Locals 250, 535, and 790]**

Ordinance adopting and implementing Amendment No. 4 to the 2000-2003 Collective Bargaining Agreement between the City and County of San Francisco and the Service Employees International Union, AFL-CIO, Locals 250, 535 and 790 by amending Article IV.D (Additional Compensation and Premium Pay) to provide for POST and/or Educational Premium pay for employees assigned to classification 2580 (Medical Examiner Investigator). (Human Resources Department)

3/26/02, RECEIVED AND ASSIGNED to Finance Committee.

**020474** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Homes Not Jails, Robert Haaland, Ted Gullicksen, Mara Raider, Cathleen Gray, David Acquino, Allison Lum and Miguel Wooding against the City and County of San Francisco, Sergeant Frederick Schiff and Captain John Newlin for $22,500; the lawsuit was filed on August 10, 1999 in San Francisco Superior Court, Case No. 305-552; entitled Homes Not Jails, et al., v. City and County of San Francisco, et al; the City and County of San Francisco, Sergeant Frederick Schiff and Captain John Newlin joined in the removal of this case to the United States District Court on September 14, 1999, Case No. C99-4204 TEH; other material terms of said settlement are that the $22,500 is the total to plaintiffs plus reasonable attorneys fees to be determined by the Court, but not less than $35,000 and not more than $100,000. (City Attorney)

4/1/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020475** **[Appropriation - City Attorney Affirmative Litigation Program]**

Ordinance appropriating $508,673 from the code enforcement settlement on 351 California Street and $442,741 from the reserve for the Hanlon Arbitration Award, for a total of $951,414, for the Affirmative Litigation Program in the City Attorney's Office in fiscal year 2001-02. (Controller)

(Fiscal impact.)

4/1/02, RECEIVED AND ASSIGNED to Finance Committee.

**020478** **[Settlement of Lawsuit]**

Ordinance approving settlement of the lawsuit filed by Aeroground, Inc. against City and County of San Francisco, et al., by payment by City and County of San Francisco to Aeroground, Inc. in the amount of $400,000 and other terms; the lawsuit was filed on August 25, 2001, in the United States District Court, Case No. C 01-1628VRW, entitled Aeroground, Inc., vs. City and County of San Francisco; San Francisco Airport Commission; and John L. Martin, in his official capacity as Director of the San Francisco International Airport. (Airport Commission)

4/3/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020534** **[MOU Amendment No. 2, Collective Bargaining between MEA and CCSF]**

**Mayor**

Ordinance adopting and implementing Amendment No. 2 to the 2001-2003 Collective Bargaining Agreement between the Municipal Executives' Association and the City and County of San Francisco by amending Article III and adding Appendix H to incorporate the parties' agreements regarding specified wage adjustments and to correct clerical errors. (Mayor)

4/3/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled at the April 17, 2002 meeting.

**020535** **[Unrepresented Employees]**

**Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2002. (Mayor)

(Fiscal impact.)

4/3/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled at the April 17, 2002 meeting.

## PROPOSED RESOLUTIONS

**020470** **[Grant - Police Department's Safe and Sober Program]**

Resolution Authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend grant funds made available through the California Office of Traffic Safety for a project entitled Safe and Sober in San Francisco Project. (Police Department)

Supervisor Gonzalez dissenting.

3/26/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020472** **[Mayor's Summer Food Service Program]**
**Mayor**

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of $575,000 from the United States Department of Agriculture for Mayor's Summer Food Service Program. (Mayor)

3/27/02, RECEIVED AND ASSIGNED to Finance Committee.

**020483** **[Donation of Equipment]**

Resolution authorizing a donation of one surplus Police van to the City of Concord, California, for use in its Police Department's emergency response efforts. (Police Department)

4/3/02, RECEIVED AND ASSIGNED to Finance Committee.

**020530** **[Water Pipeline Replacement]**

Resolution authorizing the execution and performance of an Exchange Agreement with the City of Brisbane relating to the replacement of Crystal Springs Pipeline Number 1. (Real Estate Department)

4/3/02, RECEIVED AND ASSIGNED to Finance Committee.

4/4/02, FILED. Duplicate file; see File 011737.

**020531** **[Metro PCS Lease]**

Resolution authorizing and approving a lease of cellular transmitter space at the Pierce Street Garage to Metro PCS. (Real Estate Department)

4/3/02, RECEIVED AND ASSIGNED to Finance Committee.

## Requests Granted

*From: Supervisor Peskin*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation to establish a process in which the Board of Supervisors can enter into "relocation agreements" regarding general advertising signs, as outlined in the recent Proposition G (March 2002 election).*

*From: Supervisor Newsom*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation amending Sections 12S.3 and 12S.4 of the Administrative Code to establish the implementation of the City MTBE purchase ban, particularly the inclusion of a City administered monitoring process, as well as enforcement procedures and contract requirements to ensure the fair implementation of the purchase ban.*

*From: Supervisor Newsom*
*To: City Attorney*
*Requesting/Inquiring: To amend the Public Works Code, Article 23, Section 1305(b) by:*
*1. Deleting "notify the Director in writing, that he or she has consented or consents to the graffiti";*
*2. To compel property owners to engage in the hearing process outlined in Section 1306 if they wish not to abate the graffiti;*
*3. To provide the Department of Public Works with the authority to cite property owners with a nuisance infraction if they allow graffiti to remain on their property;*
*4. Modify Section 38 of the Police Code to allow DPW Environmental Control Officers to enforce State graffiti laws, in addition to State litter laws;*
*5. To amend the Public Works Graffiti Code to mandate consistent fines such that all persons who create graffiti shall be offered the option of pretrial diversion and shall received 96 hours of community clean up.*

*From: Supervisor McGoldrick*
*To: Director, Planning Department*
*Requesting/Inquiring: To convene a public process regarding the appropriate scope of environmental review of a proposed demolition and construction project at 212-248 Clement Street, as well as to establish a community based process for planning issues surrounding the project.*

*From: Supervisors McGoldrick, Ammiano*
*To: City Attorney*
*Requesting/Inquiring: To investigate the decision of the Board of Appeals in ruling that the Furniture Mart is an office use rather than a showcase, in order to determine whether such decision was in accordance with the law; and further requesting that the City Attorney report back to the Board of Supervisors as to whether the decision of the Board of Appeals is consistent with the ordinance which they interpreted in reaching their result in this case, and if not proposing a course of action to challenge legally the decision of the Board of Appeals.*

*From: Supervisor Maxwell*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: To conduct an investigation on the feasibility of installing additional traffic signals or stop signs at the intersection of Sweeny and Dunsmuir Streets.*
*Due: June 3, 2002*

*From: Supervisor Hall*
*To: General Manager, Recreation and Park Department*
*Requesting/Inquiring: To explore the feasibility of fee structures that would benefit families. That is, could there be a discounted fee for families, defined as broadly as possible, who are using Recreation and Park facilities?*

*From: Supervisor Hall*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: To report on the feasibility of painting crosswalks and providing additional appropriate signage at the intersection of Santa Clara and Yerba Buena/Santa Monica Avenue.*

*From: Supervisor Gonzalez*
*To: City Attorney*
*Requesting/Inquiring: To draft a resolution that would mandate that the Board of Supervisors convenes its weekly meetings on Tuesdays.*

*From: Supervisor Gonzalez*
*To: City Attorney*
*Requesting/Inquiring: To draft an ordinance which would expand the number of appointments to the Parks, Recreation and Open Space Advisory Committee by allowing for the Board of Supervisors to each appoint one alternate member.*

*From: Supervisor Daly*
*To: General Manager, Recreation and Park Department*
*Requesting/Inquiring: To report on the current conditions at South Park, specifically conflicts between user groups, safety and maintenance of the play area and park space.*

*From: Supervisor Daly*
*To: Mayor's Office of Community Development*
*To: Mayor's Budget Office*
*Requesting/Inquiring: To provide a list of CDBG funds allocated prior to 2001 that are currently unexpended.*

*From: Supervisor Daly*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation implementing Centralized Information Systems, as proposed in the Continuum of Care 2001-2006 plan.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Barbara Cameron (Supervisor Ammiano)*
*Mr. Min On Lim (Supervisor Yee)*
*Dr. Lillie Nathan (Supervisor Ammiano)*
*Bessie Shum (Supervisor Peskin)*
*Robert M. O'Malley (Supervisor Yee)*
*Jennifer Ramiro (Supervisors Sandoval, McGoldrick)*
*Lucile Kendall (Supervisor Sandoval)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 5:20 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on June 10, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

/02

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT
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**Monday, April 15, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular meeting**

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*TOM AMMIANO, PRESIDENT*
*CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,*
*SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,*
*AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE*
***Gloria L. Young, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Ammiano | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair. Second-named Supervisor/Commissioner is Vice-Chair. of the Committee.

Volume 97 Number 15

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisor was noted absent:*

*Supervisor Maxwell - 1.*

*Quorum present.*

*Supervisor Maxwell was noted present at 2:03 p.m.*

## AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*There were none.*

## Privilege of the Floor

**Supervisor Sandoval, seconded by Supervisor McGoldrick, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guest. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

### Introduction of Guest

*Supervisor Sandoval introduced, welcomed and presented a Certificate of Honor to Governor Aguilar of Magallanes, Chile.*

## CONSENT AGENDA

## Recommendations of the Finance Committee

**020197** **[Golf Fund]**
**Supervisors Hall, Daly, McGoldrick, Maxwell, Newsom**

Ordinance amending Chapter 10, Article XIII of the San Francisco Administrative Code by adding Section 10.100-256 thereto, establishing a San Francisco Recreation and Parks Golf Fund.

**Ordinance No.** 51-02
**FINALLY PASSED**

**020198** **[Determination of Fees at Harding Park and Fleming Golf Courses]**
**Supervisors Hall, Daly, Maxwell, Newsom**

Ordinance amending Article XII of the San Francisco Park Code by adding Section 12.12 thereto setting forth a fee structure for Harding Park and Fleming Golf Courses.

*Supervisor Newsom requested to be added as co-sponsor.*
**Ordinance No.** 52-02
**FINALLY PASSED**

**020404** **[MOU Amendment No. 1 - 2001-2003 Collective Bargaining between MEA and CCSF]**
**Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2001-2003 Collective Bargaining Agreement between the Municipal Executives' Association and the City and County of San Francisco by amending Article III.DD to incorporate the parties' agreement regarding the Management Compensation and Classification Plan. (Mayor)

**Ordinance No.** 54-02
**FINALLY PASSED**

## Recommendations of the Health and Human Services Committee

**020109** **[Coordinated and comprehensive services for youth engaged in or at high risk of committing juvenile crime]**
Resolution authorizing the San Francisco Department of Public Health (SFDPH), Community Substance Abuse Services (CSAS), to accept retroactively and expend funds in the amount of $154,402 for the first year of a three year grant from the California Department of Alcohol and Drug Programs (CADP) to reduce youth violence and substance abuse in San Francisco; for the period of June 28, 2001 to June 30, 2002. (Public Health Department)

**Resolution No.** 235-02
**ADOPTED**

020400 **[Grant - Resident Opportunities and Self Sufficiency (ROSS)]**
Resolution authorizing the Department of Human Services to retroactively accept and expend a grant in the amount of $400,000 from the San Francisco Housing Authority to provide construction related apprenticeship activities to San Franciscans residing in San Francisco Housing Authority developments. (Human Services Department)

**Resolution No.** 237-02
**ADOPTED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Consideration of Mayor's Disapproval

011798 **[Interim Zoning Requiring Conditional Use Authorization for Large Retail Uses]**
**Supervisor Ammiano**

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for large retail uses in C-2, C-M, M-1, M-2, RSD, SLR, SLI, SPD and SSO zones, including, where permissible, lots under the jurisdiction of the San Francisco Port Commission, for a one year period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

(Certificate of Exemption/Exclusion from Environmental Review dated 12/7/01)

(Supervisor Hall dissenting in Committee.)

(April 5, 2002 - VETOED by Mayor.)
Note: The Board has 30 days to act from the date the legislation was signed by the Mayor. Override of a veto requires a 2/3rds vote of the Board, the Board may either vote the legislation up or down, no amendments. The 30th day from April 5, 2002 is May 5, 2002.

*Supervisor Ammiano moved to continue consideration to April 22, 2002.*
**Supervisor McGoldrick, seconded by Supervisor Peskin, moved that this Resolution be CONTINUED. The motion carried by the following vote:**
Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, McGoldrick, Peskin, Sandoval, Yee
Noes: 3 - Hall, Maxwell, Newsom

## From Finance Committee Without Recommendation

**020405 [MOU Amendment No. 1 - 2001-2003 Collective Bargaining between IFPTE, Local 21 and CCSF]**
**Mayor**

Ordinance approving a settlement and adopting and implementing Amendment No. 1 to the 2001-2003 Collective Bargaining Agreement between the International Federation of Professional and Technical Engineers, Local 21 and the City and County of San Francisco by amending Article III.B.1.p to incorporate the parties' settlement of an interest arbitration proceeding over wage adjustments for professional architect and landscape architect classifications. (Mayor)

**Ordinance No.** 55-02

**FINALLY PASSED by the following vote:**

Ayes: 6 - Ammiano, Leno, Maxwell, McGoldrick, Peskin, Yee
Noes: 5 - Daly, Gonzalez, Hall, Newsom, Sandoval

## Recommendation of the Health and Human Services Committee

**011575 [Rent Ordinance Amendments]**
**Supervisor Daly**

Ordinance amending the Rent Ordinance (Administrative Code Chapter 37, Residential Rent Stabilization and Arbitration Ordinance) by amending Sections 37.9, 37.9B and 37.10A to provide additional protections to tenants, and to conform to state law regarding misdemeanor violations, as follows: (1) Require the Rent Board to record owner move-in eviction notices with the County Recorder; (2) Require eviction notices to be in writing and filed with the Rent Board; (3) Subject vacated units to the future use restrictions stated in the Rent Ordinance, regardless of any agreement made between the landlord and the vacating tenant; (4) Require a tenant to be represented by independent counsel in a court-supervised settlement agreement, in order to waive any tenant rights under the Rent Ordinance; (5) Prohibit settlement agreement clauses that bar an evicted tenant from cooperation with a governmental investigation or proceeding; (6) Require the seller of a property to give written notice to the buyer disclosing the legal ground(s) for the termination of the tenancy for each residential unit to be delivered vacant at the close of escrow; and (7) Conform misdemeanor provisions to state law ($1,000 fine plus possible imprisonment in County Jail for up to six months).

*Supervisor Daly, seconded by Supervisor Leno, moved to amend Page 16, lines 22-25, revise the paragraph to read as follows: "(h) It shall be unlawful for a landlord to knowingly fail to disclose in writing to the buyer, prior to entering into a contact for the sale of any property consisting of two or more residential units, the specific legal ground(s) for the termination of the tenancy of each residential unit to be delivered vacant at the close of escrow."*

*Motion to amend adopted by the following vote:*
*Ayes: 10 - Supervisors Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee.*
*Noes: 1 - Supervisor Hall.*

*Supervisor Daly, seconded by Supervisor Peskin, moved to amend Page 16, lines 19-21, after "settlement agreement" by adding "or by a retired judge of the California Superior Court sitting as a mediator or arbitrator by mutual agreement of the tenant represented by independent counsel and the landlord. Any settlement agreement shall identify the judge, mediator, or arbitrator reviewing the settlement, all counsel representing the parties, and any other information as required by the Board. The landlord shall file a signed copy of the settlement agreement with the Board within ten days of execution. Unless otherwise required by the Board, the copy of the agreement filed with the Board shall redact the amount of payments to be made to tenants.*

*Motion to amend adopted by the following vote:*
*Ayes: 10 - Supervisors Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee.*
*Noes: 1 - Supervisor Hall.*

*City Attorney to prepare legislation to reflect the above amendments as amendment of the whole bearing the same title.*

**Supervisor Daly, seconded by Supervisor Peskin, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Hall

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 2 - Hall, Yee

## Recommendations of the Rules and Audits Committee

**012004 [Real Estate Loan Counseling and Education Program]**
**Supervisors Yee, Sandoval, Maxwell**

Ordinance adding Chapter 92 to the Administrative Code approving a pilot consumer counseling and educational program in the Department of Aging and Adult Services, including distribution of educational materials on predatory loan practices, and provision of individual loan counseling for loans secured by San Francisco residential property.

**Ordinance No.** 50-02
**FINALLY PASSED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020319 [Municipal Code Amendment - Deletion of Court Reporter Requirement for Board of Appeals]**
Ordinance amending the San Francisco Business and Tax Regulations Code by amending Section 11 to authorize the Board of Appeals to use the Department of Telecommunications and Information Technology's Citywatch Cable Channel videotape as a record of the Board's proceedings in lieu of attendance at the hearing by a court reporter. (Board of Appeals)

**Ordinance No.** 53-02
**FINALLY PASSED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# NEW BUSINESS

## Recommendations of the Finance Committee

**020137 [Funding the Sheriff's Department's shortfalls in salary, overtime, and retirement payoffs]**
Ordinance appropriating $1,896,196 from the General Fund Reserve, $2,793,734 from Federal funding for housing prisoners, and reappropriating $300,000 from savings in natural gas for a total of $4,989,930 to cover shortfalls in salaries, overtime and retirement payoffs at the Sheriff's Department for fiscal year 2001-02. (Sheriff)

(Fiscal impact.)

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020192 [Supplemental Appropriation, Department of Human Services]**
**Supervisors Gonzalez, Newsom, Daly, Peskin**

Ordinance appropriating $47,000 of the General Reserve to fund Homeless Prenatal Services for the Department of Human Services for fiscal year 2001-02; placing $23,500 on reserve.

*Supervisors Newsom, Daly requested to be added as co-sponsors.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020463 [Extending Budget Analyst agreement for two years (through 2005)]**
**Supervisor Ammiano**

Motion amending the Agreement for Professional Budget Analyst Services between the City and County of San Francisco and Stanton W. Jones and Associates; Debra A. Newman; Rodriguez, Perez, Delgado & Company Certified Public Accountants; Harvey M. Rose Accountancy Corporation Certified Public Accountants; and Louie & Wong LLP Certified Public Accountants ("A Joint Venture") by extending the Agreement for an additional two years (January 1, 2004 through December 31, 2005) with two additional two-year extensions being given to the City (for a total possible term extension of six years, through December 31, 2009), at an annual cost of $2,090,339, as may be adjusted annually.

(Fiscal impact.)
4/10/02 - Amendment of the Whole bearing new title prepared in Committee.

**Motion No.** M02-54
**APPROVED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## From Finance Committee Without Recommendation

**020410 [Municipal Transportation Agency Leverage Lease Financing]**
**Mayor**

Resolution authorizing one or more defeased lease-to-service contract transactions with respect to up to 118 Breda light rail cars; approving the form of and authorizing the execution and delivery of one or more Participation Agreements setting forth the terms and conditions of the lease-to-service contract transactions relating to the rail cars; approving the form of and authorizing the execution and delivery of one or more Head Lease Agreements providing the terms and conditions pursuant to which the rail cars will be leased to one of up to 6 trusts; approving the form of and authorizing the execution and delivery of one or more Head Lease Supplements supplementing the terms and conditions pursuant to which specific rail cars will be leased to each trust; approving the form of and authorizing the execution and delivery of one or more Sublease Agreements providing the terms and conditions pursuant to which each trust will lease the rail cars back to the City to be operated and maintained by the City; approving the form of and authorizing the execution and delivery of one or more Sublease Supplements supplementing the terms and conditions pursuant to which the City will lease back the rail cars from each trust; approving the form of and authorizing the execution and delivery of one or more Payment Agreements providing the terms and conditions pursuant to which the City will provide for the payment of a portion of the sublease rent; approving the form of and authorizing the execution and delivery of an Equity Collateral Security Agreement and a Custody Agreement providing the terms and conditions pursuant to which the City will provide for a custody account to hold and a security interest in, certain securities for the payment of a portion of the sublease rent and the purchase option purchase price if the purchase option is or is deemed exercised; approving the form of and authorizing the execution and delivery of one or more Support and Access Agreements providing the terms and conditions pursuant to which the City will provide each trust support and access to certain property if the City chooses not to purchase the rail cars at the end of the "base" sublease term; approving the form of and authorizing the execution and delivery of one or more Agreements for Assignment on Default each of which will provide the lender with an option to purchase, and take an assignment from an equity investor, such equity investor's beneficial interest in the trust estate upon the occurrence of a trigger event (as such term is defined in said Agreement); approving the form of and authorizing the execution and delivery of one or more Tax Indemnification Agreements providing the terms and conditions pursuant to which the City will indemnify each equity investor for income inclusions or losses of tax benefits; approving the form of and authorizing the execution and delivery of one or more Insurance and Indemnity Agreements providing the terms and conditions pursuant to which the City will indemnify each strip surety provider; approving indemnification of various parties; acknowledging the waiver of the City's right to jury trial under certain circumstances; acknowledging proposed waiver requests pursuant to Sections 12B.5-1(d) and 12C.5-1(d) of the San Francisco Administrative Code; finding that the lease-to-service contract transaction is designed to reduce the amount or duration of payment or similar risk to the City or enhance the relationship between risk and return with respect to investments made pursuant to or in connection with such transaction; approving and authorizing the execution and delivery of any document necessary to implement this Resolution; authorizing the execution and delivery of documents in conforming sets for one or more equity investors; ratifying and approving any action heretofore taken in connection with the transaction contemplated by this Resolution; and related matters. (Mayor)

**Resolution No.** 214-02

**ADOPTED by the following vote:**

Ayes: 7 - Ammiano, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 4 - Daly, Gonzalez, Hall, Yee

## Recommendations of the Health and Human Services Committee

**020343 [Residential Hotel Visitor Policies]**
**Supervisors Daly, Leno**

Ordinance amending Administrative Code Chapter 41D "Residential Hotel Visitor Policies" to allow operators of residential hotels to adopt Supplemental Visitor Policies in addition to the Uniform Visitor Policy for Residential Hotels, upon approval of the San Francisco Residential Rent Stabilization and Arbitration Board (Rent Board), providing that the Rent Board may amend the Uniform Visitor Policy from time to time, and providing for hotel occupants to petition the Rent Board for hearing and rent reduction for violation of Chapter 41D; amending Administrative Code Section 37.6 and adding Section 37.13 to authorize the Rent Board to effectuate the provisions of Chapter 41D; and, amending Police Code Section 919.1 to provide that imposition or collection of a charge for a visitor or restriction of a visitor in violation of Section 919.1 is (in addition to any available civil remedies), an infraction.

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020297 [Direct Access to Housing and Master Lease Program Expansion]**
**Supervisors Ammiano, Daly**

Resolution directing the Department of Public Health and the Department of Human Services to provide the Board of Supervisors with a proposed expansion plan for 500 additional units in the Direct Access to Housing Program and 500 additional units in the SRO Master Lease program by April 15, 2002.

*Supervisor Sandoval presented an amendment of the whole bearing a new title.*
**Supervisor Sandoval, seconded by Supervisor McGoldrick, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Resolution directing the Department of Public Health and the Department of Human Services to provide the Board of Supervisors with a proposed expansion plan for 500 additional units in the Direct Access to Housing Program and 500 additional units in the SRO Master Lease program by April 22, 2002.

*Supervisors Sandoval and Ammiano requested this matter be continued to April 22, 2002.*
**Supervisor Sandoval, seconded by Supervisor McGoldrick, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## From Health and Human Services Committee Without Recommendation

**012186 [Regulation of Diesel Backup Generators]**
**Supervisor Maxwell**

Ordinance amending the San Francisco Health Code by adding a new Article 30 to: (1) establish a registration program within the Department of Public Health for diesel backup generators used by facilities in the City and County of San Francisco; (2) require new backup diesel generators to have air emission control technologies; (3) limit the operation of diesel backup generators during non-emergency situations; (4) establish a recordkeeping requirement for the operation of diesel backup generators; and (5) provide for an enforcement mechanism for violations of the requirements of this Ordinance.

**Supervisor Maxwell, seconded by Supervisor Sandoval, moved that this Ordinance be RE-REFERRED to the Health and Human Services Committee. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020250** **[Amending San Francisco's CalWORKs County Plan - Cal-Learn]**

Resolution approving an amendment to San Francisco's CalWORKs County Plan to allow the San Francisco Department of Human Services to directly provide Cal-Learn case management services to pregnant and parenting teens receiving Temporary Aid to Needy Families. (Human Services Department)

**Resolution No.** 236-02

**ADOPTED by the following vote:**

Ayes: 9 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Newsom, Sandoval, Yee
Noes: 2 - Gonzalez, Peskin

## Recommendations of the Transportation and Commerce Committee

**020196** **[Carnegie Chinatown Branch Library as Landmark 235]**

**Supervisors Yee, Peskin, Leno, Ammiano, Daly, McGoldrick**

Ordinance Designating 1135 Powell Street, The Carnegie Chinatown Branch Library, as Landmark No. 235 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code.

*Supervisors Leno, Daly, Ammiano requested to be added as co-sponsors.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020334** **[Changing the designation of 333 Sacramento Street from a Category V Building to a Category IV Building]**

**Supervisor Peskin**

Ordinance changing the designation of 333 Sacramento Street from Category V (Unrated) to Category IV (Contributory) pursuant to Article 11 of the Planning Code. (Planning Department)

(Planning Commission Resolution No. 16322 adopted January 10, 2002 (Case No. 2001.0898G), recommending approval of above ordinance; Landmark Preservation Advisory Board Resolution No. 551 dated December 5, 2001, recommending the proposed change in Article 11 designation of the property and recommending Planning Commission approval.)

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## PUBLIC COMMENT

*Abdallah Megahed, homelessness;*
*Male speaker, homeless;*
*Bruce Allison, homelessness;*
*Ernestine Weiss, homelessness;*
*Clare Lee, supports Falun Gong philosophy;*
*Leboriae P. Smoore, bias against Blacks and in San Francisco courts;*
*Victor Veysey, dissolution of Bicycle Advisory Board;*
*Alfonso Feldex, preserving neighborhood theatres;*
*Denise LaPointe, neighborhood theatres;*
*Tom McDunn, high speed rail, airport runway, housing;*
*Jim Gillespie, taxi cabs;*
*John Lazar, taxi cabs;*
*James Chaffee, library services meeting;*
*Frederick Hobson, commissions and boards, gay and lesbian;*
*Sam Kwong, supports neighborhood schools;*
*Rose Tsai, supports neighborhood schools, school assignments;*
*Jane Quan, school assignments;*
*Abraham Yacobian, Armenian genocide recognition.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**020502** **[Commend - Lucy Spector]**
**Supervisor Newsom**

Resolution commending Lucy Spector on her service as a San Francisco business owner for fifty years and dedicating April 15, 2002 as "Lucy Spector Day" for the City and County of San Francisco.

**Resolution No.** 238-02
**ADOPTED**

**020558** **[Presidio Commissary]**
**Supervisors Yee, McGoldrick**

Resolution urging Congress and the General Services Administration (GSA) to allow for the continued operation of the Presidio Commissary.

*Supervisor McGoldrick requested to be added as co-sponsor.*

**Resolution No.** 239-02
**ADOPTED**

**020559** **[Armenian Genocide Commemoration Day]**
**Supervisors Peskin, Hall, Ammiano, Maxwell, Daly, McGoldrick, Newsom, Sandoval, Gonzalez**

Resolution declaring April 24th, 2002 Armenian Genocide Commemoration Day in San Francisco.

**Resolution No.** 240-02
**ADOPTED**

**020560** **[San Francisco Graffiti Advisory Board]**
**Supervisors Newsom, Hall**

Resolution urging the San Francisco Graffiti Advisory Board to convene pursuant to Administrative Code 5.172, which defines the purpose and duties of the Advisory Board.

*Supervisor Hall requested to be added as co-sponsor.*
**Resolution No.** 241-02
**ADOPTED**

**020561** **[ABAG Finance Authority - Hamlin School]**
**Supervisor Newsom**

Resolution authorizing the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $8,000,000 for The Hamlin School, or an affiliate.

**Resolution No.** 242-02
**ADOPTED**

**020562** **[Commendation]**
**Supervisor Newsom**

Resolution commending Kaiser Permanente San Francisco Medical Center for its recognition by the American Heart Association at the "Celebrate with Heart 2002" Gala for twenty years of excellence in the field of cardiovascular medicine.

**Resolution No.** 243-02
**ADOPTED**

**020563** **[AB 2677 - Preferential Parking Programs]**
**Supervisor Newsom**

Resolution urging the California State Legislature to adopt and Governor Gray Davis to sign Assembly Bill (AB) 2677, which would authorize State and local municipalities to establish preferential parking programs for low emission reduction vehicles and environmentally viable transportation alternatives.

**Resolution No.** 244-02
**ADOPTED**

**020565** **[Preservation of Neighborhood Theatres]**
**Supervisors Newsom, Hall, Daly, McGoldrick**

Resolution requesting the Planning Department to conduct a comprehensive study on the impact of the loss of neighborhood theatres on the character and economic vitality of neighborhood commercial districts.

*Supervisors Hall, Daly, McGoldrick requested to be added as co-sponsors.*

**Resolution No.** 256-02

**ADOPTED**

**020568** **[Child Care Subsidy]**
**Supervisors Leno, Maxwell, Daly**

Resolution urging the California State Legislature to oppose the Governor's child care subsidy proposal.

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 246-02

**ADOPTED**

**020569** **[Dolores Street Community Services]**
**Supervisors Leno, Maxwell, Peskin, Daly**

Resolution commending Dolores Street Community Services on its 20th anniversary and declaring April 25th "Dolores Street Community Services Day in San Francisco."

*Supervisors Peskin, Daly requested to be added as co-sponsors.*

**Resolution No.** 247-02

**ADOPTED**

**020570** **[Miraloma Elementary School Day]**
**Supervisors Hall, Newsom, Peskin**

Resolution proclaiming May 4, 2002 as "Miraloma Elementary School Day" in the City and County of San Francisco in honor of the school's 50th anniversary.

*Supervisors Newsom, Peskin requested to be added as co-sponsors.*

**Resolution No.** 248-02

**ADOPTED**

**020571** **[Heritage Tree Preservation Act of 2002]**
**Supervisors Gonzalez, Peskin, McGoldrick**

Resolution supporting the Heritage Tree Preservation Act of 2002 and urging San Franciscans and Californians to sign petitions to place this initiative on the November 2002 state ballot.

*Supervisors Peskin, McGoldrick requested to be added as co-sponsors.*

**Resolution No.** 249-02

**ADOPTED**

**020572 [Commendation]**
**Supervisors Leno, Newsom, Peskin**

Resolution commending Helen Myers who was recently named Woman of the Year by the California State Assembly and Assemblywoman Carole Migden.

*Supervisors Newsom, Peskin requested to be added as co-sponsors.*
**Resolution No.** 250-02
**ADOPTED**

**020584 [Condemning Hate Crimes]**
**Supervisors Ammiano, Peskin, Daly, McGoldrick**

Resolution condemning the hateful messages targeting the Arab community and Women graffiti recently sprayed across one of the colorful murals at the Women's Building.

*Supervisors Peskin, Daly, McGoldrick requested to be added as co-sponsors.*
**Resolution No.** 252-02
**ADOPTED**

**020586 [Commending the National Youth Commission of Taiwan]**
**Supervisors Ammiano, Peskin**

Resolution acknowledging and commending the National Youth Commission of Taiwan for their commitment to honoring the positive contributions of young people throughout the world.

*Supervisor Peskin requested to be added as co-sponsor.*
**Resolution No.** 253-02
**ADOPTED**

**020539 [Final Map for a 6 Unit Commercial Condominium Project]**
Motion approving Final Map of 2185 - 87 - 91 - 93 Market Street, a Commercial Condominium Project, being a subdivision of Lot 136 in Assessor's Block No. 3558, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,464; District 8.)

**Motion No.** M02-55
**APPROVED**

**020540 [Final Map for a 9 Unit Residential Condominium Project]**
Motion approving Final Map of 2189 Market Street, a Residential Condominium Project, being a subdivision of Lots 135 Assessor's Block No. 3558, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,465; District 8.)

**Motion No.** M02-56
**APPROVED**

**020544** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

**Motion No.** M02-57
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Severed From For Adoption Without Committee Reference

**020557** **[Commendation]**
**Supervisors Yee, Hall**

Resolution commending the efforts of all volunteers dedicated to protecting and restoring San Francisco's precious environmental and recreational resources at Fort Funston, the sponsors of Earth Day 2002 at Fort Funston, particularly Pacific Gas & Electric Company and the California Jeep Dealers, and their employees for their commitment to environmental preservation in San Francisco, and declaring April 20, 2002 to be Earth Day 2002 at Fort Funston.

*Supervisor Daly requested this matter be severed from For Adoption Without Committee Reference Agenda so it could be considered separately.*

*Supervisor Hall requested to be added as co-sponsor.*

*Supervisor Daly requested this matter be continued to April 22, 2002.*

**Supervisor Daly, seconded by Supervisor Hall, moved that this Resolution be CONTINUED. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020564** **[DHS - Access to California Law Enforcement Telecommunications System (CLETS)]**
**Supervisor Newsom**

Resolution authorizing the San Francisco Department of Human Services direct access to the California Law Enforcement Telecommunications System (CLETS) to obtain criminal history information for the specific purpose of assessing whether or not the particular placement of a child for whom DHS has care and custody is safe and appropriate.

*Supervisor Sandoval requested this matter be severed from For Adoption Without Committee Reference Agenda so it could be considered separately.*

*Supervisor Sandoval requested this matter be referred to committee.*

**REFERRED to the Health and Human Services Committee.**

**020567** **[Passage of HR 491 and SB 1042]**
**Supervisors Leno, Daly, Gonzalez, Sandoval, McGoldrick, Peskin**

Resolution urging the U.S. Congress to pass and President George W. Bush to sign HR 491, Filipino Veterans Equity Act, and SB 1042, Filipino Veterans Benefit Improvement Act.

*Supervisor Gonzalez requested this matter be severed from For Adoption Without Committee Reference Agenda so it could be considered separately.*

*Supervisors Gonzalez, Sandoval, Peskin, McGoldrick requested to be added as co-sponsors.*

**Resolution No.** 245-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020566** **[Grant - Public Defender's Office]**
**Supervisor Maxwell**

Resolution authorizing the Public Defender's Office to accept and expend a grant in the amount of $160,000 from the Governor's Office of Criminal Justice planning to help indigent inmates file motions to establish their innocence.

*Supervisor Sandoval requested this matter be severed from For Adoption Without Committee Reference Agenda so it could be considered separately.*

*Supervisor Sandoval requested this matter be referred to committee.*

**REFERRED to the Health and Human Services Committee.**

**020583** **[Bear Hunting]**
**Supervisors Gonzalez, Peskin**

Resolution urging the California State Fish & Game Commission to reject a proposed regulation change that would increase the annual limit on hunting bears from 1,500 to 1,700.

*Supervisor Gonzalez requested this matter be severed from For Adoption Without Committee Reference Agenda so it could be considered separately.*

*Supervisor Gonzalez presented an amendment of the whole bearing the same title.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*Supervisor Peskin requested to be added as co-sponsor.*

**Resolution No.** 251-02

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020556** **[Considering whether the Board of Supervisors declare itself to be the Redevelopment Agency]**
**Supervisor McGoldrick**

Motion directing the Clerk of the Board of Supervisors to notice and convene a public hearing pursuant to Sec. 33200(b) of the California Community Redevelopment Law (Health & Safety Code Sec. 33000, et seq.), for consideration of whether the Board of Supervisors shall declare itself to be the Redevelopment Agency for the City and County of San Francisco and thereby replace the existing Redevelopment Agency and its appointed Board; and further directing the Clerk to cause the preparation of reports or proposals as necessary for the hearing.

*Supervisor McGoldrick requested this matter be severed from For Adoption Without Committee Reference Agenda so it could be considered separately.*

*Supervisor Gonzalez moved to amend on Page 2, Line 10, after the words "Safety Code §33200(b)" add "after the matter has been heard in committee".*

**Supervisor Gonzalez, seconded by Supervisor Peskin, moved that this Motion be AMENDED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*Supervisors Yee and Hall requested this matter be referred to committee.*

**Supervisor Yee, seconded by Supervisor Hall, moved that this Motion be REFERRED to the Rules and Audits Committee. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Hall

**020546** **[SFUSD to Offer Students Neighborhood School Facilities]**
**Supervisor Yee**

Resolution urging the San Francisco Unified School District (SFUSD) to provide adequate facilities to accommodate all public school enrollees sufficient school space in their neighborhoods.

*Supervisor Gonzalez requested this matter be severed from For Adoption Without Committee Reference Agenda so it could be considered separately.*

*Supervisor Gonzalez requested this matter be continued to April 22, 2002.*

**Supervisor Gonzalez, seconded by Supervisor Yee, moved that this Resolution be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Peskin, seconded by Supervisor Sandoval, moved ADOPTION of the commendatory finding. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Peskin, seconded by Supervisor Sandoval, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020591 [Proclaiming Ms. Homoiselle La Verne Davis Day in San Francisco]**
**Supervisor Maxwell**

Resolution commending Ms. Homoiselle La Verne Davis for her dedication to education and exemplary service towards the children of San Francisco and proclaiming April 20, 2002 Ms. Homoiselle La Verne Davis Day in San Francisco.

*Supervisor Maxwell presented for immediate adoption.*

**Resolution No.** 254-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

020592 **[Payment, Transit Impact, Housing, Childcare, Park and Inclusionary Housing Fees]**
**Supervisors Peskin, Ammiano, McGoldrick**

Ordinance (1) amending the Planning Code by amending Sections 139, 313.1, 313.4, 313.5, 313.6, 313.7, 313.8, 313.9, 313.10, 314.1, 314.4, 315.3 and 315.6 to (a) transfer collection authority for in lieu fees collected for the Park Fund, the Jobs-Housing Linkage Program, Child Care Requirement and the Inclusionary Affordable Housing Program from the Controller to the Treasurer, require payment of the fees prior to issuance of the initial building or site permit for the project, and conform collection procedures for these fees, and (b) to amend the definition of "office use" to exclude space primarily used for the display of goods, wares, and merchandise in order to clarify that conversions of showroom display space to offices are subject to the development impact mitigation requirements of Planning Code Sections 139, 313, and 314; and (2) amending the Administrative Code by amending Sections 38.1, 38.3, 38.4, 38.5, 38.8, 38.8.5, 38.10 and 38.11, and adding a new Section 38.10-1 to (a) require payment of the Transit Impact Development Fee prior to issuance of the initial building or site permit for the project, conform collection procedures for the fee and transfer collection authority for the fee from the General Manager of the Public Utilities Commission to the Treasurer and (b) amend the definition of office use in Section 38.1 to exclude space primarily used for the display of goods, wares, and merchandise in order to clarify that conversions of showroom display space to offices are subject to the Transit Impact Development Fee.
4/15/02, RECEIVED AND ASSIGNED to Finance Committee. 4/19/02 - Transmitted to Planning Commission for public hearing and recommendation.

020593 **[Residential Rent Assistance Pilot Program]**
**Supervisor Ammiano**

Ordinance establishing a General Fund residential rent assistance program for tenants whose federal rent subsidy in San Francisco has been reduced or revoked due to a failure to meet federal immigration status verification requirements imposed under Section 592 of the federal Quality Housing and Work Responsibility Act of 1998 ("QHWRA," Public Law 105-276, 42 U.S.C. 1436a), including tenants in San Francisco Housing Authority units and Section 8 units; providing criteria and procedures for disbursement of funding, with disbursements available commencing July 1, 2002; providing two outreach grants of $5,000 each; and identifying companion legislation that would provide funding of $349,000 from the City's General Fund for the first year of the Program (July 2002 through June 2003).

(Fiscal impact.)
4/15/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 5/15/2002.

020594 **[Rental Deposit Matching Fund]**
**Supervisor Newsom**

Ordinance amending S.F. Administrative Code Chapter 20 to create a rental deposit matching fund to assist people moving from shelter, residential treatment, or transitional housing into permanent housing.

(Fiscal impact.)
4/15/02, RECEIVED AND ASSIGNED to Finance Committee.

**020595** **[Square Footage Comparability for Off-site Housing Units Produced in the Inclusionary Affordable Housing Program]**
**Supervisors McGoldrick, Leno, Ammiano**

Ordinance amending Planning Code Section 315.5 to provide that off-site units produced to meeting the City's Inclusionary Affordable Housing Program shall be of a similar square footage to the units produced in the principle project.

(Certificate of Exemption/Exclusion from Environmental Review dated 5/6/02)
4/15/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee. 4/19/02 - Transmitted to Planning Commission for public hearing and recommendation.

**020596** **[Candidate Qualification Statements]**
**Supervisor Gonzalez**

Ordinance amending the Municipal Elections Code to permit candidates for Assessor-Recorder and Public Defender who qualify for a runoff election to submit a new candidate qualification statement for the runoff election.
4/15/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 5/15/2002

## Resolutions

**020597** **[Establishing Board of Supervisors Regular Meeting Days]**
**Supervisors Gonzalez, Newsom**

Resolution establishing Tuesdays at 2 pm as the regular meeting days and times of the Board of Supervisors, beginning January 14, 2003.
4/15/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020598** **[Homeless Seniors]**
**Supervisor Daly**

Resolution endorsing the creation of Homeless Shelters, transitional housing strategies and housing solutions appropriate for senior homeless populations within the City and County of San Francisco.
4/15/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020599** **[Business Loading Zone Designation at 834 Jones Street]**
**Supervisor Newsom**

Resolution urging the Department of Parking and Traffic to establish a business loading zone designation (white zone) and execute all appropriate signage at 834 Jones Street providing necessary temporary parking for local businesses and mitigating the threat of pedestrian accidents.
4/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020600 **[California Organ Donor Awareness Month]**
**Supervisors Sandoval, Daly**

Resolution commending the California Transplant Donor Network.
4/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020601 **[Bicycle Motorcross (BMX)]**
**Supervisors Sandoval, Daly**

Resolution urging the Recreation and Park Department to develop a legal area for young people and adults to engage in the sport of Bicycle Motorcross (BMX) in San Francisco.
4/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020602 **[SB 1227 - Housing and Emergency Shelter Trust Fund Act of 2002]**
**Supervisors Leno, Daly**

Resolution urging Governor Gray Davis to sign SB 1227, the Housing and Emergency Shelter Trust Fund Act of 2002, which will provide $2.1 billion for housing programs in California through the sale of State bonds.
4/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020603 **[ABAG Finance Authority - Nonprofit Corporations]**
**Supervisor Hall**

Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $143,000,000 for the Corporation of Fine Arts Museums and the Fine Arts Museums Foundation.
4/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020604 **[Opposing Hastings Garage Proposal]**
**Supervisors Daly, Leno, Gonzalez, Peskin, Maxwell**

Resolution urging the Board of Directors of the University of California Hastings College of Law to reject its proposed Tenderloin area parking garage in favor of a community-supported mixed-use development.
4/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020605 **[Opposing State Assembly Bills 1823 and 2058 and Senate Bill 1870]**
**Supervisors Ammiano, Hall, Maxwell, Daly**

Resolution opposing State Assembly Bills 1823 and 2058, and Senate Bill 1870 (as drafted), regarding management and operation of the City's regional water system and requesting the Mayor to transmit communication of such opposition to the State Legislature.
4/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020606** **[Commend - Richard Craib]**
**Supervisor Leno**

Resolution commending Richard Craib, native San Franciscan and Glen Canyon Park enthusiast
4/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020607** **[Commend - Mission High School]**
**Supervisor Ammiano**

Resolution commending Mission High School for winning 2002 Mock Trial City and County Championship.
4/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020608** **[Commend - Gateway High School]**
**Supervisors Sandoval, Gonzalez**

Resolution commending Gateway High School on their first graduating class.
4/15/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020590** **[Public Health 2002 State of the City Report]**
**Supervisor Ammiano**

State of the City's Health Report from Director, Department of Public Health.
4/15/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration April 22, 2002, Special Order at 3:00 p.m.

**020609** **[April 30, 2002 Preliminary Budget Hearings]**
**Supervisor Maxwell**

Hearings on the following departments' Preliminary Budgets:

DEPARTMENTAL PRESENTATIONS: Police (including the Office of Citizen Complaints and Taxi Commission), Sheriff, District Attorney, Juvenile Probation, Public Defender.
4/15/02, RECEIVED AND ASSIGNED to Budget Committee.

**020610** **[Hearing on Budget Analyst and Legislative Analyst Reports]**
**Supervisor Maxwell**

Hearing of the Budget Committee on the budget reports prepared by the Budget Analyst and the Office of the Legislative Analyst.
4/15/02, RECEIVED AND ASSIGNED to Budget Committee.

**020611** **[May 14, 2002 Hearing on Departmental Capital Budgets for 2002-03]**
**Supervisor Maxwell**

Hearing to consider departmental capital budgets for fiscal year 2002-03.
4/15/02, RECEIVED AND ASSIGNED to Budget Committee.

**020612** **[ATT/Comcast Merger]**
**Supervisor Gonzalez**

Hearing regarding the ATT/Comcast merger, specifically: (1) Effects of merger on telecommunication service provision; (2) How the Department of Information Services and the City Attorney's office are involved in the review of the merger; (3) Comparison of current San Francisco cable franchise agreement and franchise agreements in other cities; (4) Adequacy of funding resources available for public access, government, and educational programs and channels through current franchise agreement; (5) Availability of Broadband internet services to the public; and (6) Drafting of a model telecommunications franchise agreement for the City and City and County of San Francisco.
4/15/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020613** **[Single Room Occupancy Task Force]**
**Supervisor Ammiano**

Hearing to review the status and receive an update on the Single Room Occupancy Task Force.
4/15/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020614** **[Bank of America Branch Closure]**
**Supervisor Ammiano**

Hearing to inquire into the recent decision by Bank of America to close one of its branches in the Mission at 24th and Bryant Street. The parameters of the hearing will be as follows: (1) Examine the effect of the loss of local jobs in the Mission and San Francisco as a result of the closure; (2) Examine how this relocation will affect service to the Mission, San Francisco and Bay Area customers.
4/15/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

## Introduced by the President at the Request of Departments

## PROPOSED ORDINANCES

**020471** **[Increasing the Annual Residential Rent Ordinance Fee to a maximum of $27.00 per unit]**
Ordinance amending Administrative Code Chapter 37A "Residential Rent Stabilization and Arbitration Fee" by amending Sections 37A.2 and 37A.6 to increase the maximum annual residential rent ordinance fee from $19 per unit in fiscal year 2000-2001 or $16 per unit in other years, to $23.00 per unit. (Rent Stabilization and Arbitration Board)
4/10/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration as soon as possible.
4/23/02 - Supervisor Ammiano waived the 30-day rule.

# PROPOSED RESOLUTIONS

*None.*

## Requests Granted

*From: Supervisor Maxwell*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: To investigate and report on the traffic congestion at the bottleneck entrance to the North 101 and North 280 freeway on Bayshore and Hester Avenues; including options to alleviate the congestion in this area.*
*Due: June 30, 2002*

*From: Supervisor Newsom*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: To investigate and report as to the date and nature of the last business loading zone or "white zone" designation at 834 Jones Street. Supervisor Newsom request an expedient response to this inquiry.*

*From: Supervisor Hall*
*To: City Attorney*
*Requesting/Inquiring: To report if the Inclusionary Affordable Housing Program legislation can be amended to set aside a certain percentage of the already set aside affordable units for teachers.*

*From: Supervisor Hall*
*To: Director, Department of Public Health*
*To: Director, Department of Public Works*
*To: Director, Bureau of Building Inspection*
*To: Superintendent, Unified School District*
*To: Chancellor, Community College Board*
*Requesting/Inquiring: That the Directors of Public Health, Public Works, Bureau of Building Inspection and the Superintendent of the Unified School District and Chancellor of San Francisco Community College Board report:*
*1. What rules and practices regulating the use, installation and removal of wire glass currently exist for City buildings and private developments?*
*2. Make a best estimate of the amount and general types of locations of current wire glass usage in City buildings.*
*3. City Attorney's office and the Legal Counsel office of the School and College district: Collect any data on injuries suffered over the last decade in which wire glass was involved.*
*4. Department of Building Inspection: Produce any information you have or can acquire regarding the safety of wire glass. Do our current standards meet ANSI standard? Does DBI know of any alternatives and whether or not mandating these safer products might be appropriated? Finally, has DBI taken a position on the current national trend to ban or drastically limit wire glass?*

*From: Supervisor Leno*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation that would require billboard companies to sign an affidavit stating that they do not knowingly have any illegal billboards posted in San Francisco when they apply for Conditional Use under Proposition G rules to replace an existing sign with a new one and that they are in compliance with all local general advertising requirements.*

*From: Supervisor Gonzalez*
*To: City Attorney*
*Requesting/Inquiring: Requesting a closed session of the Board of Supervisors to allow the City Attorney's Office and the Department of Telecommunications and Information Services to brief the Board of Supervisors on the merger of AT&T and Comcast cable and the affects this merger has on the City and County of San Francisco's telecommunications services.*

*From: Supervisor Gonzalez*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation which will require a member of the Board of Supervisors to disclose to other members of the Board of Supervisors, by written memorandum, a conflict of interest two hours before the beginning of the regularly scheduled 2:00 p.m. Monday meeting.*

*From: Supervisor Gonzalez*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation which will dissolve the current Bicycle Advisory Committee and replace it with an 11 member body with individual appointments made by each member of the Board of Supervisors.*

*From: Supervisor Gonzalez*
*To: City Attorney*
*Requesting/Inquiring: To draft a motion stating that selection of Supervisors to Bay Area Boards shall remain in order of seniority, but that every Supervisor shall be given the opportunity to serve on at least one Board, excluding LAFCO and the Transportation Authority, before any Supervisor is given the opportunity to serve on more than one Board.*

*From: Supervisor Daly*
*To: City Attorney*
*Requesting/Inquiring: To draft an ordinance codifying in the Administrative Code levels of service of the Police Department, Municipal Railway and Department of Parking and Traffic on game days at Pacific Bell Park.*

*From: Supervisor Daly*
*To: City Attorney*
*Requesting/Inquiring: To draft an ordinance creating a minimum staffing level at the District Attorney's office based on staffing levels at the Police Department and the number of persons arrested on misdemeanor and felony charges.*

*From: Supervisor Ammiano*
*To: City Attorney*
*Requesting/Inquiring: To draft an amendment to the Board of Supervisors Rules of Order to prohibit Committee chairs from scheduling proposed agreements that include substantial penalties for Board disapproval of such agreements when City Departments or other agents have failed to obtain prior Board of Supervisors approval to negotiate such proposed provisions.*

*From: Supervisor Ammiano*

*Requesting/Inquiring: To draft an amendment to the Board of Supervisors Rules of Order establishing procedures for departmental submissions and Board of Supervisors Budget Analyst review for items to be scheduled on Committee consent calendars.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Gregoire Hobson (Board of Supervisors)*
*Judge Jack K. Berman (Board of Supervisors)*
*Marcos Gutierrez, Jr. (Supervisor Sandoval)*
*Helen Levitov (Supervisors Newsom, Daly, Peskin)*
*Karin Brett (Supervisor Newsom)*
*Howard Seeto (Supervisor Yee)*
*William W. Haas (Supervisor Leno)*
*Earl Ray (Supervisor Sandoval)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 6:10 p.m adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on June 17, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.
NOV 15 2002
SAN FRANCISCO
PUBLIC LIBRARY

**Monday, April 22, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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*TOM AMMIANO, PRESIDENT*
*CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,*
*SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,*
*AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE*
*Gloria L. Young, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Ammiano | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 16

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval.

**Members Absent:** Gavin Newsom, Leland Y. Yee.

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# ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date.*

*The meeting was called to order at 2:00 p.m. by the Clerk of the Board, Gloria L. Young. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Newsom, Sandoval, Yee, Gonzalez - 4.*

*Quorum present.*

*Supervisor Gonzalez was noted present at 2:01 p.m.*

*Supervisor Newsom was excused. (See infra.)*

*Supervisor Sandoval was noted present at 2:01 p.m.*

*Supervisor Yee was excused. (See infra.)*

## Supervisors Newsom and Yee Excused from Attendance

**Supervisor Leno, seconded by Supervisor Peskin, moved to excuse Supervisors Newsom and Yee from attending this meeting. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## Privilege of the Floor

**Supervisor McGoldrick, seconded by Supervisor Daly, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## Introduction of Guests

*Supervisor McGoldrick introduced, welcomed and presented Certificates of Honor to the following Deputy City Attorneys for their contributions benefiting all California counties:*

*Cameron Baker for coordinating the representation of California counties in the PG&E bankruptcy litigation,*

*Joanne Sakai for coordinating the representation of California counties in the PG&E bankruptcy litigation;*

*Julia Friedlander for her work on an appellate brief advocating access by public agencies to information from companies that seek franchise agreements;*

*Linda Ross for an appellate brief supporting the right of local government to protect personnel information,*

*Rose-Ellen Heinz for a U.S. Supreme Court brief defending the right of local government to regulate automobile towing companies against threats of federal pre-emption;*

*Owen Clements for his work on consumer protection lawsuits filed by San Francisco, including landmark cases against the tobacco industry and gun manufacturers.*

*Supervisor Sandoval introduced, welcomed and presented a Certificate of Honor to Salvador Guerrero for his community services as the Community Outreach Coordinator for Transplant Donor Network.*

# AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*Supervisor Ammiano indicated that File Nos. 011798, 020464, 020465, 020466, 020520, 020521, 020522, and 020523 be continued to April 29, 2002. (See infra)*

# COMMUNICATIONS

*The Clerk presented a communication from his Honor, the Mayor, returning with his veto the following ordinance:*

**012127** **[Prohibition of New Live/Work Units]**
**Supervisors Ammiano, Daly**

Ordinance amending the San Francisco Planning Code by amending the definition of "Live/Work Unit" in Section 101.13 to clarify that the residential use and the integrated work space must be in the same unit, and by amending Section 233 to prohibit new Live/Work Units except for accessory uses authorized by Section 204.4.

(Planning Commission Resolution #16359 adopted 3/7/02 recommending disapproval. Certificate of Exemption/Exclusion from Environmental Review dated 2/28/02)
(Supervisor Hall dissenting in Committee.)

(April 19, 2002 - VETOED by Mayor.)

Note: The Board has 30 days to act from the date the legislation was signed by the Mayor. Override of a veto requires a 2/3rds vote of the Board, the Board may either vote the legislation up or down, no amendments. The 30th day from April 19, 2002 is May 19, 2002.

*Pursuant to the Board of Supervisors Rules of Order, this matter was continued to April 29, 2002.*
**CONTINUED.**

# CONSENT AGENDA

## Recommendations of the Rules and Audits Committee

**020474** **[Settlement of Lawsuit]**
Ordinance authorizing settlement of the lawsuit filed by Homes Not Jails, Robert Haaland, Ted Gullicksen, Mara Raider, Cathleen Gray, David Acquino, Allison Lum and Miguel Wooding against the City and County of San Francisco, Sergeant Frederick Schiff and Captain John Newlin for $22,500; the lawsuit was filed on August 10, 1999 in San Francisco Superior Court, Case No. 305-552; entitled Homes Not Jails, et al., v. City and County of San Francisco, et al; the City and County of San Francisco, Sergeant Frederick Schiff and Captain John Newlin joined in the removal of this case to the United States District Court on September 14, 1999, Case No. C99-4204 TEH; other material terms of said settlement are that the $22,500 is the total to plaintiffs plus reasonable attorneys fees to be determined by the Court, but not less than $35,000 and not more than $100,000. (City Attorney)

**PASSED ON FIRST READING**

**020478** **[Settlement of Lawsuit]**
Ordinance approving settlement of the lawsuit filed by Aeroground, Inc. against City and County of San Francisco, et al., by payment by City and County of San Francisco to Aeroground, Inc. in the amount of $400,000 and other terms; the lawsuit was filed on August 25, 2001, in the United States District Court, Case No. C 01-1628VRW, entitled Aeroground, Inc., vs. City and County of San Francisco; San Francisco Airport Commission; and John L. Martin, in his official capacity as Director of the San Francisco International Airport. (Airport Commission)

**PASSED, ON FIRST READING**

**020336** **[Appointment]**

Resolution appointing Stephanie Hughes, term ending October 1, 2003, and Dina Santana and Kevin Sharps, terms ending October 1, 2002, to the Drug Abuse Advisory Board.

Dina Santana, succeeding Gennie Nunley-Thompson, resigned, seat 2, must represent law enforcement, for the unexpired portion of a three-year term ending October 1, 2002;
Kevin Sharps, succeeding Matonia Williams, seat 6, must represent the public at large or a service provider, for the unexpired portion of a three-year term ending October 1, 2002;
Stephanie Hughes, succeeding Walter Joseph Kennedy, seat 15, must represent the public at large, for the unexpired portion of a three-year term ending October 1, 2003.

**Resolution No.** 260-02
**ADOPTED**

**011395** **[Appointment]**

Resolution appointing Joshua Koltun, Bruce Brugmann, Richard Knee, Heather Sterner, Doug Comstock, Sue Cauthen, Garrett Jenkins, Edgar Parker, and Alexandra Nickliss, terms ending April 27, 2004, to the Sunshine Ordinance Task Force.

Joshua Koltun, succeeding himself, term expired, seat 1, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be an Attorney, for a new 2-year term ending April 27, 2004;
Bruce Brugmann, succeeding herself, term expired, seat 2, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be a Journalist, for a new 2-year term ending April 27, 2004;
Richard Knee, succeeding Vince Courtney, term expired, seat 3, must be a member of the press or electronic media with an interest in citizen access, for a new 2-year term ending April 27, 2004;
Heather Sterner, succeeding Heather Sterner, term expired, seat 5, must be appointed from names submitted by the League of Women Voters, for a new 2-year term ending April 27, 2004;
Doug Comstock, succeeding Hilda Bernstein, term expired, seat 6, must be experienced in Consumer Advocacy, for a new 2-year term ending April 27, 2004;
Sue Cauthen, succeeding Ted Kowalczuk, term expired, seat 7, must be experienced in Consumer Advocacy, for a new 2-year term ending April 27, 2004;
Garrett Jenkins, succeeding Robert Planthold, resigned, seat 8, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government (Fulfilled requirement that one member must be physically handicapped), for a new 2-year term ending April 27, 2004;
Edgar Parker, succeeding Daniel Guillory, term expired, seat 9, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a new 2-year term ending April 27, 2004;
Alexandra Nickliss, succeeding Paul Hogan, term expired, seat 10, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a new 2-year term ending April 27, 2004.

**Resolution No.** 274-02
**ADOPTED**

020484 **[Appointment]**

Resolution appointing Nancy Peterson, term to be determined, to the United Nations Plaza Working Group, residency requirement waived.

Nancy Peterson (residency requirement waived), new position, seat 1, must be a member of the United Nations Association, term to be determined.

**Resolution No.** 264-02
**ADOPTED**

020579 **[Appointment]**

Resolution appointing Laurie Kennedy, Jamal James Modica, and Kelly Jensen, terms ending April 30, 2004, to the Animal Control and Welfare Commission.

3 Seats Being Considered:
Laurie Kennedy, succeeding Catherine Tchen-Kenna, seat 1, term expired, must be a public-at-large appointment, for a new two-year term ending April 30, 2004;
Jamal James Modica, succeeding Frederick Hobson, seat 2, term expired, must be a public-at-large appointment, for a new two-year term ending April 30, 2004;
Kelly Jensen, succeeding Kelly Jensen, seat 7, term expired, must be licensed veterinarian, for a new two-year term ending April 30, 2004.

**Resolution No.** 265-02
**ADOPTED**

020580 **[Appointment]**

Resolution appointing, Steve Fields, term ending January 15, 2003, and Sophie Wong, Maria Luz Torre, and Kate O'Malley, terms ending January 15, 2004, to the San Francisco Health Authority, residency requirement waived.

Sophie Wong (residency requirement waived), succeeding herself, term expired, seat 6, must be a nominee of SF Community Clinic Consortium, for a three-year term ending January 15, 2004;
Maria Luz Torre, succeeding herself, term expired, seat 10, must be a nominee of Health Authority Beneficiary Advisory Committee, for a three-year term ending January 15, 2004;
Steve Fields (residency requirement waived), succeeding himself, term expired, seat 12, must be nominee of Health Authority Program Advisory Committee, for a three-year term ending January 15, 2003;
Kate O'Malley (residency requirement waived), succeeding herself, term expired, seat 13, must be nominee of Health Authority Program Advisory Committee, for a three-year term ending January 15, 2004.

**Resolution No.** 266-02
**ADOPTED**

**The foregoing items were acted upon by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## REGULAR AGENDA

# UNFINISHED BUSINESS

## Consideration of Mayor's Disapproval

**011798** **[Interim Zoning Requiring Conditional Use Authorization for Large Retail Uses]**
**Supervisor Ammiano**

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for large retail uses in C-2, C-M, M-1, M-2, RSD, SLR, SLI, SPD and SSO zones, including, where permissible, lots under the jurisdiction of the San Francisco Port Commission, for a one year period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

(Certificate of Exemption/Exclusion from Environmental Review dated 12/7/01)

(Supervisor Hall dissenting in Committee.)

(April 5, 2002 - VETOED by Mayor.)
Note: The Board has 30 days to act from the date the legislation was signed by the Mayor. Override of a veto requires a 2/3rds vote of the Board, the Board may either vote the legislation up or down, no amendments. The 30th day from April 5, 2002 is May 5, 2002.

*Supervisor Ammiano requested this matter be continued to April 29, 2002.*

**Supervisor McGoldrick, seconded by Supervisor Peskin, moved that this Resolution be CONTINUED. The motion carried by the following vote:**

Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Peskin, Sandoval
Noes: 1 - Maxwell
Absent: 2 - Newsom, Yee

## Recommendations of the Finance Committee

**020137** **[Funding the Sheriff's Department's shortfalls in salary, overtime, and retirement payoffs]**

Ordinance appropriating $1,896,196 from the General Fund Reserve, $2,793,734 from Federal funding for housing prisoners, and reappropriating $300,000 from savings in natural gas for a total of $4,989,930 to cover shortfalls in salaries, overtime and retirement payoffs at the Sheriff's Department for fiscal year 2001-02. (Sheriff)

(Fiscal impact.)

**Ordinance No.** 58-02

**FINALLY PASSED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**020192 [Supplemental Appropriation, Department of Human Services]**
**Supervisors Gonzalez, Newsom, Daly, Peskin**

Ordinance appropriating $47,000 of the General Reserve to fund Homeless Prenatal Services for the Department of Human Services for fiscal year 2001-02; placing $23,500 on reserve.

*Supervisors Gonzalez, Peskin requested to be added as co-sponsors.*

**Ordinance No.** 59-02

**FINALLY PASSED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## Recommendations of the Health and Human Services Committee

**011575 [Rent Ordinance Amendments]**
**Supervisor Daly**

Ordinance amending the Rent Ordinance (Administrative Code Chapter 37, Residential Rent Stabilization and Arbitration Ordinance) by amending Sections 37.9, 37.9B and 37.10A to provide additional protections to tenants, and to conform to state law regarding misdemeanor violations, as follows: (1) Require the Rent Board to record owner move-in eviction notices with the County Recorder; (2) Require eviction notices to be in writing and filed with the Rent Board; (3) Subject vacated units to the future use restrictions stated in the Rent Ordinance, regardless of any agreement made between the landlord and the vacating tenant; (4) Require a tenant to be represented by independent counsel in a court-supervised settlement agreement, in order to waive any tenant rights under the Rent Ordinance; (5) Prohibit settlement agreement clauses that bar an evicted tenant from cooperation with a governmental investigation or proceeding; (6) Require the seller of a property to give written notice to the buyer disclosing the legal ground(s) for the termination of the tenancy for each residential unit to be delivered vacant at the close of escrow; and (7) Conform misdemeanor provisions to state law ($1,000 fine plus possible imprisonment in County Jail for up to six months).

**Ordinance No.** 57-02

**FINALLY PASSED by the following vote:**

Ayes: 8 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Hall
Absent: 2 - Newsom, Yee

**020343 [Residential Hotel Visitor Policies]**
**Supervisors Daly, Leno**

Ordinance amending Administrative Code Chapter 41D "Residential Hotel Visitor Policies" to allow operators of residential hotels to adopt Supplemental Visitor Policies in addition to the Uniform Visitor Policy for Residential Hotels, upon approval of the San Francisco Residential Rent Stabilization and Arbitration Board (Rent Board), providing that the Rent Board may amend the Uniform Visitor Policy from time to time, and providing for hotel occupants to petition the Rent Board for hearing and rent reduction for violation of Chapter 41D; amending Administrative Code Section 37.6 and adding Section 37.13 to authorize the Rent Board to effectuate the provisions of Chapter 41D; and, amending Police Code Section 919.1 to provide that imposition or collection of a charge for a visitor or restriction of a visitor in violation of Section 919.1 is (in addition to any available civil remedies), an infraction.

*Supervisor Leno requested to be added as co-sponsor.*

**Ordinance No.** 62-02

**FINALLY PASSED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**020297 [Direct Access to Housing and Master Lease Program Expansion]**
**Supervisors Ammiano, Daly, Peskin**

Resolution directing the Department of Public Health and the Department of Human Services to provide the Board of Supervisors with a proposed expansion plan for 500 additional units in the Direct Access to Housing Program and 500 additional units in the SRO Master Lease program by April 22, 2002.

*Supervisor Peskin requested to be added as co-sponsor.*

**Resolution No.** 275-02

**ADOPTED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## Recommendations of the Transportation and Commerce Committee

**020196 [Carnegie Chinatown Branch Library as Landmark 235]**
**Supervisors Yee, Peskin, Leno, Ammiano, Daly, McGoldrick**

Ordinance Designating 1135 Powell Street, The Carnegie Chinatown Branch Library, as Landmark No. 235 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code.

*Supervisor McGoldrick requested to be added as co-sponsor.*

**Ordinance No.** 60-02

**FINALLY PASSED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**020334** **[Changing the designation of 333 Sacramento Street from a Category V Building to a Category IV Building]**
**Supervisor Peskin**

Ordinance changing the designation of 333 Sacramento Street from Category V (Unrated) to Category IV (Contributory) pursuant to Article 11 of the Planning Code. (Planning Department)

(Planning Commission Resolution No. 16322 adopted January 10, 2002 (Case No. 2001.0898G), recommending approval of above ordinance; Landmark Preservation Advisory Board Resolution No. 551 dated December 5, 2001, recommending the proposed change in Article 11 designation of the property and recommending Planning Commission approval.)

**Ordinance No.** 61-02

**FINALLY PASSED by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## NEW BUSINESS

### Recommendations of the Finance Committee

**020390** **[Administrative Code Revision: Health Service System]**
**Supervisor McGoldrick**

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates. (Human Resources Department)

(Fiscal impact.)

**PASSED, ON FIRST READING by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**012003** **[Retirement Benefits]**
**Supervisors McGoldrick, Maxwell**

Ordinance amending Administrative Code Section 16.37-1 to provide for the setting of interest rates for retirement allowances.

*Supervisor Maxwell requested to be added as co-sponsor.*

**PASSED ON FIRST READING by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**020464** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by New Times, Inc., San Francisco Newspaper Printing Company, Inc., Gannett Satellite Information Network, Inc., The New York Times Company, San Jose Mercury News, Inc., Los Angeles Times, Dow Jones & Company, Inc., Bay Guardian Company, Inc., and United Advertising Publications, Inc. against the City and County of San Francisco for $85,000; the lawsuit was filed on January 5, 1999, in the United States District Court for the Northern District of California, Case No. C-99-0020 (WHA); entitled New Times, Inc., et al., v. City and County of San Francisco, et al.; other material terms of said settlement are the City's amendment of San Francisco Public Works Code Section 184.12, the Director of Public Works' promulgation of amended guidelines, and the City's approval of the First Amended and Restated Pedestal-Mounted Newsrack Agreement by and between the City and County of San Francisco and Clear Channel Adshel, Inc. (City Attorney)

(Companion measure to Files 020465, 020466.)
(Supervisor Daly dissenting in Committee.)

*Supervisor Peskin requested this matter be continued to April 29, 2002.*

**Supervisor Peskin, seconded by Supervisor Sandoval, moved that this Ordinance be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**020465** **[Regulation of Newsracks; Amendment of Fixed Pedestal Newsrack Program]**

Ordinance amending the San Francisco Public Works Code, Article 5.4, by repealing the existing Section 184.12 and enacting a new Section 184.12 regulating the placement and maintenance of newsracks on public streets, sidewalks and rights-of-way to prohibit freestanding newsracks in specified areas of the City, authorizing the creation of fixed pedestal zones in specified areas of the City, and authorizing the Director of Public Works to select and enter into agreements with vendors to provide and maintain fixed pedestal newsracks. (City Attorney)

(Supervisor Daly dissenting in Committee.)

*Supervisor Peskin requested this matter be continued to April 29, 2002.*

**Supervisor Peskin, seconded by Supervisor Sandoval, moved that this Ordinance be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**020466** **[Contract - CCSF and Clear Channel Adshel, Inc.]**

Ordinance approving the First Amended and Restated Pedestal-Mounted Newsrack Agreement By and Between the City and County of San Francisco and Clear Channel Adshel, Inc., which allows for the provision, installation, and maintenance of pedestal-mounted newsracks on public property; approving an indemnification of the contractor by the City for specified claims initiated by publishers or other specified claimants, concerning the fixed pedestal program, the fixed pedestal units, their operation, or the agreement with Clear Channel Adshel, Inc., and for specified claims including bodily injury or property damage arising from the City's performance of said agreement; and authorizing the Director of the Department of Public Works to make changes to the Department of Public Works Director's Orders incorporated by reference in the agreement with Clear Channel Adshel, Inc. (City Attorney)

(Supervisor Daly dissenting in Committee.)

*Supervisor Peskin requested this matter be continued to April 29, 2002.*

**Supervisor Peskin, seconded by Supervisor Sandoval, moved that this Ordinance be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**020551 [Year 2002 Annual Joint Fundraising Drive Application and Designation Deadlines]**
**Mayor**

Ordinance amending Section 16.93-4 of the San Francisco Administrative Code, which establishes March 1 of each year as the deadline for agencies who wish to participate in the Annual Joint Fundraising Drive to submit their applications, and which establishes May 1 of each year as the deadline for the Board to designate those agencies that qualify to participate in the City's Annual Drive for that year, to allow any Mayor's Fund to submit by April 15, 2002, their application to participate in the 2002 Annual Drive, and to allow the Board to designate those agencies that qualify to participate in the City's Annual Drive for 2002 by June 1, 2002. (Mayor)

**PASSED ON FIRST READING by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**011737 [Water Pipeline Replacement]**
Resolution authorizing the execution and performance of an Exchange Agreement with the City of Brisbane relating to the replacement of Crystal Springs Pipeline Number 1. (Real Estate Department)

**Resolution No.** 257-02
**ADOPTED by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**012281 [Airport Concession Lease]**
Resolution approving a lease and operating agreement for operating the Self Service Luggage Cart Program, Between Smarte Carte, Inc., and the City and County of San Francisco, as amended, acting by and through its Airport Commission. (Airport Commission)

(Fiscal impact.)

**Resolution No.** 258-02
**ADOPTED by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**020472 [Mayor's Summer Food Service Program]**
**Mayor**

Resolution authorizing the Department of Children, Youth and Their Families to accept and expend a grant up to $484,000 from the United States Department of Agriculture for Mayor's Summer Food Service Program. (Mayor)

**Resolution No.** 263-02
**ADOPTED by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## From Finance Committee Without Recommendation

**020534 [MOU Amendment No. 2, Collective Bargaining between MEA and CCSF]**
**Mayor**

Ordinance adopting and implementing Amendment No. 2 to the 2001-2003 Collective Bargaining Agreement between the Municipal Executives' Association and the City and County of San Francisco by amending Article III and adding Appendix H to incorporate the parties' agreements regarding specified wage adjustments and to correct clerical errors. (Mayor)

**PASSED ON FIRST READING by the following vote:**
Ayes: 8 - Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Peskin, Sandoval
Absent: 3 - Maxwell, Newsom, Yee

## Recommendations of Neighborhood Services and Recreation Committee

**020437 [Liquor License Transfer, 1750 Fulton Street]**
Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license to Albertson's Inc. from 17 Kearny Street to the new Albertson's store located at 1750 Fulton Street (District 5), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

*Supervisor Gonzalez requested this matter be continued to May 6, 2002.*

**Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Resolution be CONTINUED. The motion carried by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## Recommendations of the Public Works and Public Protection Committee

**011788 [Street Artists Program]**
**Supervisor Ammiano**

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2402 to remove provision establishing the maximum annual amount paid to each member of the Advisory Committee of Street Artists and Craftsmen Examiners for meetings and studio visits.

**PASSED ON FIRST READING by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**020470 [Grant - Police Department's Safe and Sober Program]**
Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend grant funds made available through the California Office of Traffic Safety for a project entitled Safe and Sober in San Francisco Project; placing $50,000 on reserve. (Police Department)

Supervisor Gonzalez dissenting.

**Resolution No.** 262-02

**ADOPTED by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## Recommendations of the Rules and Audits Committee

**020406 [Settlement of Lawsuits and Claims]**
**Mayor**

Ordinance approving a settlement between the International Federation of Professional and Technical Engineers, Local 21, the Municipal Executives' Association, and the City and County of San Francisco of litigation and administrative claims concerning the assignment of classifications to bargaining units and related disputes. (Mayor)

**PASSED ON FIRST READING by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**020525 [Appointment - Public Utilities Commission]**
Motion rejecting the Mayor's appointment of Frank Cook to the Public Utilities Commission. (Mayor)

(Charter Section 3.100 provides that the Board of Supervisors has the authority to reject the appointment by a two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.)
(Transmittal date - March 28, 2002.)

(Supervisor Hall dissenting in Committee.)

**Motion No.** M02-58

**APPROVED by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## From Rules and Audits Committee Without Recommendation

**020527 [Appointment - Public Utilities Commission]**
Motion approving the Mayor's appointment of E. Dennis Normandy to the Public Utilities Commission, for the term ending January 15, 2006. (Mayor)

(Charter Section 3.100 provides that the Board of Supervisors has the authority to reject the appointment by a two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.)
(Transmittal date - March 28, 2002.)

*Supervisor Daly moved adoption.*

**Motion No.** M02-59

**APPROVED by the following vote:**
Ayes: 8 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Gonzalez
Absent: 2 - Newsom, Yee

**020528** **[Appointment - Public Utilities Commission]**

Motion rejecting the Mayor's appointment of E. Dennis Normandy to the Public Utilities Commission. (Mayor)

(Charter Section 3.100 provides that the Board of Supervisors has the authority to reject the appointment by a two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.)
(Transmittal date - March 28, 2002.)

**Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 8 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Gonzalez
Absent: 2 - Newsom, Yee

**020529** **[Appointment - Public Utilities Commission]**

Motion taking no position concerning the Mayor's appointment of E. Dennis Normandy to the Public Utilities Commission, for term ending January 15, 2006.

(Charter Section 3.100 provides that the Board of Supervisors has the authority to reject the appointment by a two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.)
(Transmittal date - March 28, 2002.)

**Supervisor Daly, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 8 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Gonzalez
Absent: 2 - Newsom, Yee

## Recommendations of the Transportation and Commerce Committee

**020242** **[Grant - Purchase of additional new LRVs]**

Resolution authorizing the Municipal Transportation Agency to accept and expend $22,888,763 of Federal Section 5309 capital assistance for the purchase of new LRVs for San Francisco's Municipal Railway, excluding Administrative Overhead Costs. (Municipal Transportation Agency)

**Resolution No.** 259-02

**ADOPTED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**020398** **[Grant - Police Department Pedestrian Safety Project]**

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend grant funds made available through the California Office of Traffic Safety for a project entitled Pedestrian Safety Project. (Police Department)

**Resolution No.** 261-02

**ADOPTED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## SPECIAL ORDER 3:00 P.M.

**020590** **[Public Health 2002 State of the City Report]**
**Supervisor Ammiano**

State of the City's Health Report from Director, Department of Public Health.

*Presented by the Director of Public Health, Mitchell H. Katz, MD*

**FILED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## SPECIAL ORDER 3:00 P.M.

**020520** **[Public Hearing - Appeal, Conditional Use, 20 Woodside Avenue (aka 501 Laguna Honda Boulevard)]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16353 dated February 28, 2002, approving Conditional Use Application No. 2001.1142C, to install a total of three antennas within the bell tower of a church (St. John's United Church of Christ), and related equipment as part of a wireless communication network in a RH-1(D) (House, One-Family (Detached Dwelling)) Zoning District, and within a 40-X Height and Bulk District, pursuant to Section 209.5(b) of the Planning Code, on property located at: 20 Woodside Avenue (aka 501 Laguna Honda Boulevard) at the southeastern corner of Woodside Avenue and Laguna Honda Boulevard; Lot 001, in Assessor's Block 2888A.

(Appeal filed April 1, 2002; categorically exempt from the environmental review process pursuant to exemption Class 1 exemptions of Title 14 of the California Administrative Code; Case No. 2001.1142C; companion measure to Files 020521, 020522, 020523; District 7.)

*Supervisor Sandoval requested this matter be continued to April 29, 2002.*

**Supervisor Sandoval, seconded by Supervisor Peskin, moved that this Hearing be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)**

**020521** **[Appeal, Conditional Use, 20 Woodside Avenue (aka 501 Laguna Honda Boulevard)]**

Motion approving decision of the Planning Commission by its Motion No. 16353 approving Conditional Use Application No. 2001.1142C, on property located 20 Woodside Avenue (aka 501 Laguna Honda Boulevard), at the southeastern corner of Woodside Avenue and Laguna Honda Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor Sandoval requested this matter be continued to April 29, 2002.*

**Supervisor Sandoval, seconded by Supervisor Peskin, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**020522** **[Appeal, Conditional Use, 20 Woodside Avenue (aka 501 Laguna Honda Boulevard)]**

Motion disapproving decision of the Planning Commission by its Motion No. 16353 approving Conditional Use Application No. 2001.1142C, on property located 20 Woodside Avenue (aka 501 Laguna Honda Boulevard), at the southeastern corner of Woodside Avenue and Laguna Honda Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor Sandoval requested this matter be continued to April 29, 2002.*

**Supervisor Sandoval, seconded by Supervisor Peskin, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**020523** **[Findings - 20 Woodside Avenue (aka 501 Laguna Honda Boulevard)]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2001.1142C, on property located at 20 Woodside Avenue (aka 501 Laguna Honda Boulevard), at the southeastern corner of Woodside Avenue and Laguna Honda Boulevard, for action by the Board at its next meeting. (Clerk of the Board)

*Supervisor Sandoval requested this matter be continued to April 29, 2002.*

**Supervisor Sandoval, seconded by Supervisor Peskin, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## PUBLIC COMMENT

*George Reed, health care;*
*Frederick Hobson, Animal Control Commission;*
*Coti Hawkins;*
*Amad Chester, Samoan senior programs;*
*Mr. Ruberd, taxi cabs;*
*Oue Lu, self-improvement practice, persecution in China;*
*James Jenkins, Public Library.*

## CLOSED SESSION

## CONFERENCE WITH CITY ATTORNEY - Existing Litigation

**020547 [Existing Litigation - City as Defendant]**
**Supervisor Peskin**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation in which the plaintiffs, various businesses, are, in sum, challenging the constitutionality of the City's business taxing system. These plaintiffs and claimants are also seeking reimbursement of tax payments made to the City:

Macy's Department Stores, Inc. (formerly know as Macy's West, Inc.); Broadway Stores, Inc.; Federated Systems Group, Inc.; Macy's.Com Inc. v. San Francisco
San Francisco Superior Court No. 306-723
Date Filed: 9/24/99

Macy's West, Inc., an Ohio Corporation; Federated Western Properties, Inc., an Ohio Corporation; Federated Systems Group, Inc., a Delaware Corporation; and Macy's.Com Inc., a New York Corporation, v. San Francisco
San Francisco Superior Court No. 313-930
Date Filed: 10/12/00

Macy's West, Inc., an Ohio Corporation; Federated Western Properties, Inc., an Ohio Corporation; Federated Systems Group, Inc., a Delaware Corporation, and Macy's.Com, Inc., a New York Corporation v. San Francisco
San Francisco Superior Court No. 321-838
Date Filed: 6/1/01 (City Attorney)

**Supervisor Gonzalez, seconded by Supervisor Peskin, moved to convene in closed session. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

*Recess*

*The Board recessed at the hour of 4:15 p.m. to convene in closed session pursuant to the above motion*

*Reconvening of the Board*

*The Board at the hour of 4:57 p.m. reconvened.*

*Calling the Roll*

*On call of the roll, the following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval - 9.*

*Noted absent: Supervisors Newsom, Yee- 2.*

*Quorum present.*

*Report on Closed Session*

*Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.*

*Persons in attendance:*
*Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval;*
*Ted Lakey, Deputy City Attorney;*
*Dennis Herrera, City Attorney;*
*Julie Van Nostern, Deputy City Attorney;*
*Gloria L. Young, Clerk of the Board;*
*Victor Young, Assistant Clerk.*
*Tape Number: CS Bd 02 011*

*The meeting was informational only and no action was taken.*
**HEARD IN CLOSED SESSION.**

*[Elect Not to Disclose]*
*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.*

**Supervisor Sandoval, seconded by Supervisor Daly, moved not to disclose its closed session deliberations. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

# FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

020600 **[California Organ Donor Awareness Month]**
**Supervisors Sandoval, Daly**

Resolution commending the California Transplant Donor Network.

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 267-02
**ADOPTED**

020601 **[Bicycle Motorcross (BMX)]**
**Supervisors Sandoval, Daly**

Resolution urging the Recreation and Park Department to develop a legal area for young people and adults to engage in the sport of Bicycle Motorcross (BMX) in San Francisco.

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 268-02
**ADOPTED**

020603 **[ABAG Finance Authority - Nonprofit Corporations]**
**Supervisor Hall**

Resolution approving the issuance and sale of revenue bonds by the ABAG Finance Authority for Nonprofit Corporations in an aggregate principal amount not to exceed $143,000,000 for the Corporation of Fine Arts Museums and the Fine Arts Museums Foundation.

**Resolution No.** 270-02
**ADOPTED**

020604 **[Opposing Hastings Garage Proposal]**
**Supervisors Daly, Leno, Gonzalez, Peskin, Maxwell**

Resolution urging the Board of Directors of the University of California Hastings College of Law to reject its proposed Tenderloin area parking garage in favor of a community-supported mixed-use development.

*Supervisors Gonzalez, Peskin, Maxwell requested to be added as co-sponsors.*

**Resolution No.** 276-02
**ADOPTED**

**020605 [Opposing State Assembly Bills 1823 and 2058 and Senate Bill 1870]**
**Supervisors Ammiano, Hall, Maxwell, Daly**

Resolution opposing State Assembly Bills 1823 and 2058, and Senate Bill 1870 (as drafted), regarding management and operation of the City's regional water system and requesting the Mayor to transmit communication of such opposition to the State Legislature.

*Supervisors Daly, Hall, Maxwell requested to be added as co-sponsors.*

**Resolution No.** 255-02
**ADOPTED**

**020606 [Commend - Richard Craib]**
**Supervisor Leno**

Resolution commending Richard Craib, native San Franciscan and Glen Canyon Park enthusiast.

**Resolution No.** 271-02
**ADOPTED**

**020607 [Commend - Mission High School]**
**Supervisor Ammiano**

Resolution commending Mission High School for winning 2002 Mock Trial City and County Championship

**Resolution No.** 272-02
**ADOPTED**

**020608 [Commend - Gateway High School]**
**Supervisors Sandoval, Gonzalez**

Resolution commending Gateway High School on their first graduating class.

*Supervisor Gonzalez requested to be added as co-sponsor.*

**Resolution No.** 273-02
**ADOPTED**

**020619 [Final Map for a 35 Unit Residential / Commercial Condominium Project]**
Motion approving Final Map of Chelsea Court, 851 Van Ness Avenue, a Residential / Commercial Condominium Project, being a subdivision of Lot 17 in Assessor's Block No. 738, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,477; District 6.)

**Motion No.** M02-60
**APPROVED**

020620 **[Final Map for a 7 Unit Residential Condominium Project]**

Motion approving Final Map of 725 Taraval Street, a Mixed Use Condominium Project, being a subdivision of Lot 45 Assessor's Block No. 2408, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,478; District 7.)

**Motion No.** M02-61

**APPROVED**

020621 **[Final Map for a 11 Unit Live Work / Commercial Condominium Project]**

Motion approving Final Map of 1328 Mission Street, a Live Work / Condominium Project, being a subdivision of Lot 20 in Assessor's Block No. 3508, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,476; District 6.)

**Motion No.** M02-62

**APPROVED**

020622 **[Final Map for a 6 Unit Residential Condominium Project]**

Motion approving Final Map of 955 Green Street, a Residential Condominium Project, being a subdivision of Lot 27 Assessor's Block No. 127, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,475; District 3.)

**Motion No.** M02-63

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

## Severed From For Adoption Without Committee Reference

020546 **[SFUSD to Offer Students Neighborhood School Facilities]**

**Supervisor Yee**

Resolution urging the San Francisco Unified School District (SFUSD) to provide adequate facilities to accommodate all public school enrollees sufficient school space in their neighborhoods.

*Supervisor Hall requested this matter be severed from For Adoption Without Committee Reference Agenda so it could be considered separately.*

*Supervisor Gonzalez requested this matter be referred to committee.*
**REFERRED to the Neighborhood Services and Recreation Committee.**

**020557** **[Commendation]**
**Supervisors Yee, Hall**

Resolution commending the efforts of all volunteers dedicated to protecting and restoring San Francisco's precious environmental and recreational resources at Fort Funston, the sponsors of Earth Day 2002 at Fort Funston, particularly Pacific Gas & Electric Company and the California Jeep Dealers, and their employees for their commitment to environmental preservation in San Francisco, and declaring April 20, 2002 to be Earth Day 2002 at Fort Funston.

*Supervisor Hall requested this matter be severed from For Adoption Without Committee Reference Agenda so it could be considered separately.*

**Supervisor Hall, seconded by Supervisor Daly, moved that this Resolution be TABLED. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

**020599** **[Business Loading Zone Designation at 834 Jones Street]**
**Supervisor Newsom**

Resolution urging the Department of Parking and Traffic to establish a business loading zone designation (white zone) and execute all appropriate signage at 834 Jones Street providing necessary temporary parking for local businesses and mitigating the threat of pedestrian accidents.

*Supervisor Peskin requested this matter be severed from For Adoption Without Committee Reference Agenda so it could be considered separately.*

*Supervisor Peskin requested this matter be referred to committee.*

**REFERRED to the Transportation and Commerce Committee.**

**020602** **[SB 1227 - Housing and Emergency Shelter Trust Fund Act of 2002]**
**Supervisors Leno, Daly**

Resolution urging Governor Gray Davis to sign SB 1227, the Housing and Emergency Shelter Trust Fund Act of 2002, which will provide $2.1 billion for housing programs in California through the sale of State bonds.

*Supervisor Hall requested this matter be severed from For Adoption Without Committee Reference Agenda so it could be considered separately.*

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 269-02

**ADOPTED by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Newsom, Yee

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**020637 [Establishing a San Francisco Museum and Historical Society Advisory Committee]**
**Supervisor Peskin**

Ordinance amending Article VIII of the San Francisco Administrative Code by adding Section 2A.166 to establish the San Francisco Museum and Historical Society Advisory Committee as an advisory committee to the Board of Supervisors and the Board of Trustees of the Fine Arts Museums of San Francisco.
4/22/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 5/22/2002. From Deputy City Attorney Adine Varah, memo to Supervisor Peskin submitting a revised version of the ordinance dated 4/23/02, to correct minor typographical errors.

4-29-02 President Ammiano waived the 30-day rule.

**020638 [Elections Code Corrections, Repealing Election Code Section 930]**
**Supervisor McGoldrick**

Ordinance repealing Municipal Elections Code Section 930 in order to conform the Municipal Elections Code to the Charter, as amended by Proposition C at the November 6, 2001 election.
4/22/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 5/22/2002.

**020641 [Residential Parking Permit Fees - Exemption]**
**Supervisor McGoldrick**

Ordinance amending San Francisco Traffic Code Section 314 exempting owners of electric or other clean air vehicles from residential parking permit fees.
4/22/02, ASSIGNED UNDER 30 DAY RULE to Finance Committee, expires on 5/22/2002.

**020642 [Declaring the Board of Supervisors to be the Governing Body of the Redevelopment Agency]**
**Supervisor McGoldrick**

Ordinance amending Administrative Code Chapter 24 "Redevelopment Agency" by declaring the Board of Supervisors to be the Governing Body of the Redevelopment Agency of the City and County of San Francisco, thereby replacing the existing seven-member appointed Board (Governing Body), and making findings in support of this declaration (California Community Redevelopment Law, Health & Safety Code §§33000 et seq.); and establishing a seven-member appointed Community Redevelopment Commission and delegating certain powers to the Commission. By this Ordinance, Section 24.1 is amended; existing Sections 24.1-1, 24.3, 24.4, and 24.5 are repealed; and new Sections 24.3, 24.3-1, 24.4, 24.4-1, 24.4-2, and 24.4-3 are added.

(Companion measure to File 020556.)
4/22/02, RECEIVED AND ASSIGNED to Rules and Audits Committee. To be heard with Files 020556 and 020492.

## Resolutions

**020639 [Grant - Mayor's Criminal Justice Council]**
**Mayor**

Resolution authorizing the Mayor's Criminal Justice Council (MCJC) to accept and expend funds in the amount of $2,651,098 from the State Board of Corrections, from funds made available through Senate Bill 736 - known as the Juvenile Justice Crime Prevention Act (JJCPA), for programs and approaches that have been demonstrated to be effective in reducing delinquency. (Mayor)

(Public Benefit Recipient)
4/22/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020640 [Historical Property Contract for 460 Bush Street - Fire Department Old Station No. 2]**
**Supervisor Peskin**

Resolution under Chapter 71 of the San Francisco Administrative Code, approving an historical property contract between Alice Ross Carey, the owner of San Francisco Landmark No. 143 located at 460 Bush Street (Fire Department Old Station No. 2) and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.
4/22/02, RECEIVED AND ASSIGNED to Finance Committee.

**020643 [Lease Purchase Financing for the Acquisition of a Parking Meter Management System]**
**Supervisor Ammiano**

Resolution approving the lease purchase financing for the acquisition of a parking meter management system for the Department of Parking and Traffic; approving the form of a lease purchase financing agreement between the Department of Parking and Traffic and a lender, authorizing the selection of a lender, and ratifying previous actions taken in connection therewith.

(Fiscal impact; Companion measure to Files 020494 and 020495.)
(Supervisor Daly dissenting in Committee)
4/22/02, RECEIVED AND ASSIGNED to Finance Committee.

**020644 [Extend Time for Planning Commission Action]**
**Supervisor Yee**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by adding Section 306.10 to require publication of a cover sheet with neighborhood notices advising how to request information about notices in multiple languages.
4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020645 [DHS - Access to California Law Enforcement Telecommunications System (CLETS)]**
**Supervisor Newsom**

Resolution authorizing the San Francisco Department of Human Services direct access to the California Law Enforcement Telecommunications System (CLETS) to obtain criminal history information for the specific purpose of assessing whether or not the particular placement of a child for whom DHS has care and custody is safe and appropriate.
4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020646 **[Grant Acceptance for MUNI Career Ladder Program]**
**Supervisors McGoldrick, Maxwell, Peskin, Daly**

Resolution providing authorization to the Municipal Railway Improvement Fund to accept a grant from the State of California's Employment Development Department to establish a San Francisco MUNI Railway "Career Ladder" Program.
4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020647 **[Juror Appreciation Week]**
**Supervisors Leno, McGoldrick, Maxwell, Gonzalez, Sandoval, Hall, Daly**

Resolution declaring May 12 through 18, 2002, Juror Appreciation Week.
4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020648 **[Lincoln High School Day]**
**Supervisors Hall, Newsom**

Resolution proclaiming May 4, 2002 as "Lincoln High School Day" in the City and County of San Francisco.
4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020649 **[Urging Bechtel Corporation to withdraw their punitive legal claim]**
**Supervisors Gonzalez, Daly**

Resolution urging Bechtel Corporation and its Bolivian subsidiary, Aguas del Tunari, to immediately withdraw their punitive legal claims in international courts against Bolivia and its people and to abstain from engaging in any further litigation or mediation claims - either within or without U.S. borders - with the South American country.
4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020650 **[Commend - National Center for Lesbian Rights (NCLR)]**
**Supervisors Leno, Maxwell, McGoldrick, Gonzalez, Peskin, Newsom, Daly**

Resolution commending the National Center for Lesbian Rights (NCLR) on their 25th Anniversary.
4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020651 **[Commend - Youth Credit Union Program]**
**Supervisors Leno, Maxwell, McGoldrick, Gonzalez, Newsom, Daly**

Resolution commending the Youth Credit Union Program, a credit union operated by youth ages 6 to 18 with support from Mission Community Financial Assistance.
4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020652** **[Commend - KUSF]**
**Supervisors Hall, Daly**

Resolution commending KUSF on the occasion of their 25th Anniversary.
4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020653** **[Level of Customer Service Provided by the City's Health Service System]**
**Supervisor Peskin**

Hearing in response to significant consumer complaints about: (1) the difficulty that consumers have communicating with live representatives of the Health Service System, including reports that the System only accepts public telephone inquiries two hours per day; (2) the difficulty that health care providers face gaining necessary financial reimbursements from the System; (3) issues with regard to the inadequacy of the current computer system; (4) adequacy and appropriate level of the current reserves; and (5) other issues.
4/22/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020654** **[Controller's Nine-Month Financial Report]**
**Supervisor Peskin**

Hearing regarding the Controller's Nine-Month Financial Report.
4/22/02, RECEIVED AND ASSIGNED to Finance Committee.

**020655** **[Superior Court Report on Collection Efforts]**
**Supervisor Hall**

Hearing at which the Superior Court will give a report on its current collection efforts and to hear what proactive steps they are taking to improve the current situation.
4/22/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020656** **[Direct Access to Housing Program]**
**Supervisor Ammiano**

Hearing to consider proposed plan offered by the Department of Human Services and the Department of Public Health to expand the Direct Access to Housing program and the Single Room Occupancy Hotel Master Lease Program by 1,000 units.
4/22/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020657** **[1235 Mission Street Occupational Safety]**
**Supervisor Daly**

Hearing to consider occupational safety issues at 1235 Mission Street, with a specific focus on asbestos abatement.
4/22/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

## Motions

**020636** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
4/22/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Introduced by the President at the Request of Departments

# PROPOSED ORDINANCES

*None.*

# PROPOSED RESOLUTIONS

**020538** **[Amending District Attorney's Revolving Loan Funds from State Board of Control]**
Resolution authorizing the District Attorney to amend the current agreement in the amount of $75,000 which has been allocated from the Victim Compensation and Governing Claims Board (formerly known as the State Board of Control), an agent of the State of California, for a revolving loan fund to be used to pay for verified funeral/burial expenses and emergency relocation for victims of domestic violence and sexual assault. (District Attorney)
4/12/02, RECEIVED AND ASSIGNED to Finance Committee.

**020543** **[Grant - District Attorney's REACT Task Force for the Investigation and Prosecution of High Technology Crimes]**
**Supervisor Leno**

Resolution authorizing the District Attorney to retroactively accept and expend a grant in the maximum amount of $75,000 per year from the California Office of Criminal Justice Planning for investigation and prosecution of high technology crimes. (District Attorney)
4/12/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020615** **[Grant - Mayor's Office of Community Development]**
**Mayor**

Resolution approving the 2002 Community Development Program. Authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend the City's 2002 Community Development Block Grant (CDBG) entitlement from the U. S. Department of Housing and Urban Development, and Program Income of $33,722, 231 which include indirect costs of $160,000, and approving expenditure schedules for recipient departments and agencies and for indirect costs. (Mayor)
4/17/02, RECEIVED AND ASSIGNED to Finance Committee.

**020616 [Grant - Emergency Shelter]**
**Mayor, Supervisor Newsom**

Resolution approving the 2002 Emergency Shelter Grants Program and Expenditure Schedule; and authorizing the Mayor on behalf of the City and County of San Francisco to accept, and expend a $879,000 entitlement under the Emergency Shelter Grants Program from the U. S. Department of Housing and Urban Development (Mayor)

4/17/02, RECEIVED AND ASSIGNED to Finance Committee.

**020617 [Grant - HOME Program]**
**Mayor**

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the U. S. Department of Housing and Urban Development for a total amount of $7,865,000 for the Home Program authorized under Title II of the National Affordable Housing Act of 1990, Public Law Number 101-625, and approving the Home Program description as described in the 2002 Action Plan for San Francisco's Consolidated Plan. Indirect costs associated with the acceptance of these grant funds will be paid by the Community Development Block Grant funds. (Mayor)

4/15/02, RECEIVED AND ASSIGNED to Finance Committee.

**020624 [Grant - Community Gun Violence Prosecution Program]**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $360,000 through the United States Department of Justice, Bureau of Justice Assistance, for a project entitled "Community Gun Violence Prosecution Program", and waiving indirect costs due to funding constraints. (District Attorney)

4/15/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

## PROPOSED MOTIONS

**020618 [Amending the Rules of the Board to schedule regular Board meetings on Tuesdays at 2pm effective the week of January 12, 2003.]**

Motion amending Rule 6.2 of the Rules of Order of the Board of Supervisors to require the scheduling of regular meetings of the Board of Supervisors on Tuesdays at 2pm, instead of Mondays at 2pm, effective the week of January 12, 2003. (Clerk of the Board)

(Companion measure to File 020597.)

4/17/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

## Requests Granted

*From: Supervisor Sandoval*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: To request that a stop sign be placed at the intersection of San Juan Avenue and Cayuga Avenue. A copy of this letter should be sent to Peter Tannenbaum, 783 Cayuga, San Francisco, CA 94112.*

*From: Supervisor Peskin*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation to amend Chapter 71 of the Administrative Code to allow for contributory buildings in locally designated historic districts to be eligible for legal treatment under the State of California's Mills Act.*

*From: Supervisor Hall*
*To: Board of Appeals*
*Requesting/Inquiring: To report on the Appeal of expansion at 2 Upland Drive.*
*1. Why is the Board of Appeals asserting jurisdiction over the revised plan submitted by the owner of 2 Upland Drive? Should it not send the plans back to the Planning Department first?*
*2. Did a Commissioner state that he had already made up his mind on the issue and did not see any reason for public comment?*

*From: Supervisor Daly*
*To: City Attorney*
*Requesting/Inquiring: To broaden the City's official definition of homelessness to include youth exiting foster care without permanent housing.*

*From: Supervisor Daly*
*To: Department of Public Health*
*To: Department of Human Services*
*To: Redevelopment Agency*
*To: Mayor's Office of Housing*
*Requesting/Inquiring: To report on the amount of funding dedicated to housing for youth aged 18-24.*

## In Memoriam

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Mr. Dot Yuen Yee (Supervisor Peskin)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 5:03 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on June 24, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young

Gloria L. Young
Clerk of the Board

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4/29/02
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# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT
NOV 15 2002
SAN FRANCISCO
PUBLIC LIBRARY

**Monday, April 29, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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*TOM AMMIANO, PRESIDENT*
*CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,*
*SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,*
*AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE*
*Gloria L. Young, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Ammiano | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 17

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Gonzalez, Hall, Maxwell, McGoldrick - 4.*

*Quorum present.*

*Supervisors Gonzalez, Hall, McGoldrick were noted present at 2:01 p.m.*

*Supervisor Maxwell was noted present at 2:02 p.m.*

## APPROVAL OF MEETING MINUTES

**Supervisor Peskin, seconded by Supervisor Leno, moved to approve the February 25, 2002 Meeting Minutes. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*There were none.*

## Privilege of the Floor

**Supervisor Daly, seconded by Supervisor McGoldrick, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guest. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Introduction of Guest

*Supervisor Daly introduced, welcomed and presented a Certificate of Honor to Rachael Bolden Kramer.*

# CONSENT AGENDA

## Recommendations of the Rules and Audits Committee

**020474** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Homes Not Jails, Robert Haaland, Ted Gullicksen, Mara Raider, Cathleen Gray, David Acquino, Allison Lum and Miguel Wooding against the City and County of San Francisco, Sergeant Frederick Schiff and Captain John Newlin for $22,500; the lawsuit was filed on August 10, 1999 in San Francisco Superior Court, Case No. 305-552; entitled Homes Not Jails, et al., v. City and County of San Francisco, et al; the City and County of San Francisco, Sergeant Frederick Schiff and Captain John Newlin joined in the removal of this case to the United States District Court on September 14, 1999, Case No. C99-4204 TEH; other material terms of said settlement are that the $22,500 is the total to plaintiffs plus reasonable attorneys fees to be determined by the Court, but not less than $35,000 and not more than $100,000. (City Attorney)

**Ordinance No.** 67-02
**FINALLY PASSED**

**020478** **[Settlement of Lawsuit]**

Ordinance approving settlement of the lawsuit filed by Aeroground, Inc. against City and County of San Francisco, et al., by payment by City and County of San Francisco to Aeroground, Inc. in the amount of $400,000 and other terms; the lawsuit was filed on August 25, 2001, in the United States District Court, Case No. C 01-1628VRW, entitled Aeroground, Inc., vs. City and County of San Francisco; San Francisco Airport Commission; and John L. Martin, in his official capacity as Director of the San Francisco International Airport. (Airport Commission)

**Ordinance No.** 68-02
**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Consideration of the Mayor's Disapproval

**011798 [Interim Zoning Requiring Conditional Use Authorization for Large Retail Uses]**
**Supervisor Ammiano**

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for large retail uses in C-2, C-M, M-1, M-2, RSD, SLR, SLI, SPD and SSO zones, including, where permissible, lots under the jurisdiction of the San Francisco Port Commission, for a one year period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

(Certificate of Exemption/Exclusion from Environmental Review dated 12/7/01)

(Supervisor Hall dissenting in Committee.)

(April 5, 2002 - VETOED by Mayor.)
Note: The Board has 30 days to act from the date the legislation was signed by the Mayor. Override of a veto requires a 2/3rds vote of the Board, the Board may either vote the legislation up or down, no amendments. The 30th day from April 5, 2002 is May 5, 2002.

**Supervisor Daly, seconded by Supervisor Maxwell, moved that this Resolution be TABLED. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Consideration of the Mayor's Disapproval

**012127 [Prohibition of New Live/Work Units]**
**Supervisors Ammiano, Daly**

Ordinance amending the San Francisco Planning Code by amending the definition of "Live/Work Unit" in Section 101.13 to clarify that the residential use and the integrated work space must be in the same unit, and by amending Section 233 to prohibit new Live/Work Units except for accessory uses authorized by Section 204.4.

(Planning Commission Resolution #16359 adopted 3/7/02 recommending disapproval. Certificate of Exemption/Exclusion from Environmental Review dated 2/28/02)
(Supervisor Hall dissenting in Committee.)

(April 19, 2002 - VETOED by Mayor.)

Note: The Board has 30 days to act from the date the legislation was signed by the Mayor. Override of a veto requires a 2/3rds vote of the Board, the Board may either vote the legislation up or down, no amendments. The 30th day from April 19, 2002 is May 19, 2002.

*Supervisor Newsom was previously excused from voting. (See Meeting Minutes of March 25, 2002.)*

*Supervisor Daly requested to be added as a co-sponsor.*

*Supervisor Daly, seconded by Supervisor McGoldrick, moved adoption to override the Mayor's veto.*

**Ordinance No.** 56-02

**ADOPTED OVER THE MAYOR'S VETO by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 1 - Hall
Excused: 1 - Newsom

## From the Board of Supervisors

**020413** **[Redevelopment Agency]**
**Supervisor Daly**

Ordinance amending Administrative Code Chapter 24 "Redevelopment Agency" by declaring the Board of Supervisors to be Governing Body of the Redevelopment Agency of the City and County of San Francisco, thereby replacing the existing seven-member appointed Board, with findings in support (California Community Redevelopment Law, Health & Safety Code §§33000 et seq.); and establishing an eleven-member appointed Community Redevelopment Commission and delegating certain powers to the Commission.

**Supervisor Daly, seconded by Supervisor Maxwell, moved that this Ordinance be TABLED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Finance Committee

**020390** **[Administrative Code Revision: Health Service System]**
**Supervisor McGoldrick**

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal (Administrative) Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates. (Human Resources Department)

(Fiscal impact.)

**Ordinance No.** 65-02
**FINALLY PASSED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020464** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by New Times, Inc., San Francisco Newspaper Printing Company, Inc., Gannett Satellite Information Network, Inc., The New York Times Company, San Jose Mercury News, Inc., Los Angeles Times, Dow Jones & Company, Inc., Bay Guardian Company, Inc., and United Advertising Publications, Inc. against the City and County of San Francisco for $85,000; the lawsuit was filed on January 5, 1999, in the United States District Court for the Northern District of California, Case No. C-99-0020 (WHA); entitled New Times, Inc., et al., v. City and County of San Francisco, et al.; other material terms of said settlement are the City's amendment of San Francisco Public Works Code Section 184.12, the Director of Public Works' promulgation of amended guidelines, and the City's approval of the First Amended and Restated Pedestal-Mounted Newsrack Agreement by and between the City and County of San Francisco and Clear Channel Adshel, Inc. (City Attorney)

(Companion measure to Files 020465, 020466.)
(Supervisor Daly dissenting in Committee.)

*Supervisor Gonzalez requested this matter be continued to May 6, 2002 and to convene in closed session.*

**Supervisor Gonzalez, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Yee

**020465** **[Regulation of Newsracks; Amendment of Fixed Pedestal Newsrack Program]**

Ordinance amending the San Francisco Public Works Code, Article 5.4, by repealing the existing Section 184.12 and enacting a new Section 184.12 regulating the placement and maintenance of newsracks on public streets, sidewalks and rights-of-way to prohibit freestanding newsracks in specified areas of the City, authorizing the creation of fixed pedestal zones in specified areas of the City, and authorizing the Director of Public Works to select and enter into agreements with vendors to provide and maintain fixed pedestal newsracks. (City Attorney)

(Supervisor Daly dissenting in Committee.)

*Supervisor Gonzalez requested this matter be continued to May 6, 2002 and to convene in closed session.*
**Supervisor Gonzalez, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Yee

**020466** **[Contract - CCSF and Clear Channel Adshel, Inc.]**

Ordinance approving the First Amended and Restated Pedestal-Mounted Newsrack Agreement By and Between the City and County of San Francisco and Clear Channel Adshel, Inc., which allows for the provision, installation, and maintenance of pedestal-mounted newsracks on public property; approving an indemnification of the contractor by the City for specified claims initiated by publishers or other specified claimants, concerning the fixed pedestal program, the fixed pedestal units, their operation, or the agreement with Clear Channel Adshel, Inc., and for specified claims including bodily injury or property damage arising from the City's performance of said agreement; and authorizing the Director of the Department of Public Works to make changes to the Department of Public Works Director's Orders incorporated by reference in the agreement with Clear Channel Adshel, Inc. (City Attorney)

(Supervisor Daly dissenting in Committee.)

*Supervisor Gonzalez requested this matter be continued to May 6, 2002 and to convene in closed session.*
**Supervisor Gonzalez, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Yee

**012003** **[Retirement Benefits]**
**Supervisors McGoldrick, Maxwell**

Ordinance amending Administrative Code Section 16.37-1 to provide for the setting of interest rates for retirement allowances.

**Ordinance No.** 64-02
**FINALLY PASSED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020551** **[Year 2002 Annual Joint Fundraising Drive Application and Designation Deadlines]**
**Mayor**

Ordinance amending Section 16.93-4 of the San Francisco Administrative Code, which establishes March 1 of each year as the deadline for agencies who wish to participate in the Annual Joint Fundraising Drive to submit their applications, and which establishes May 1 of each year as the deadline for the Board to designate those agencies that qualify to participate in the City's Annual Drive for that year, to allow any Mayor's Fund to submit by April 15, 2002, their application to participate in the 2002 Annual Drive, and to allow the Board to designate those agencies that qualify to participate in the City's Annual Drive for 2002 by June 1, 2002. (Mayor)

**Ordinance No.** 70-02

**FINALLY PASSED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## From Finance Committee Without Recommendation

**020534** **[MOU Amendment No. 2, Collective Bargaining between MEA and CCSF]**
**Mayor**

Ordinance adopting and implementing Amendment No. 2 to the 2001-2003 Collective Bargaining Agreement between the Municipal Executives' Association and the City and County of San Francisco by amending Article III and adding Appendix H to incorporate the parties' agreements regarding specified wage adjustments and to correct clerical errors. (Mayor)

**Ordinance No.** 69-02

**FINALLY PASSED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendation of the Rules and Audits Committee

**020406** **[Settlement of Lawsuits and Claims]**
**Mayor**

Ordinance approving a settlement between the International Federation of Professional and Technical Engineers, Local 21, the Municipal Executives' Association, and the City and County of San Francisco of litigation and administrative claims concerning the assignment of classifications to bargaining units and related disputes. (Mayor)

**Ordinance No.** 66-02

**FINALLY PASSED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendation of the Public Works and Public Protection Committee

011788 **[Street Artists Program]**
**Supervisor Ammiano**

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2402 to remove provision establishing the maximum annual amount paid to each member of the Advisory Committee of Street Artists and Craftsmen Examiners for meetings and studio visits.

**Ordinance No.** 63-02
**FINALLY PASSED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## NEW BUSINESS

### Recommendations of the Finance Committee

020193 **[Emergency Response Fee Amendments]**
**Supervisors Peskin, Daly, Ammiano, Newsom**

Ordinance amending Articles 6 and 10a of the San Francisco Business And Tax Regulations Code by amending Sections 6.1-1, 750, 751, 753, 755 and 757, deleting Section 756 and adding Sections 752.2 and 755.1 to clarify the application of the Code's common administrative provisions to the Emergency Response Fee; to provide for use of Emergency Response Fee Revenues for operating costs of the 911 Communication System; to update the findings supporting the fee; to increase the amount of the annual cap on fee payments per account, per service location to reflect inflation; to increase the fee rate for trunk line subscribers and add a rate for high capacity trunk line subscribers; and to eliminate the fee sunset, and amending Section 10.100-67 of the San Francisco Administrative Code to allow for use of monies in the Emergency Communications 911 Emergency Response Fund for operating costs of the 911 Communication System.

(Fiscal impact.)

*Supervisor Newsom requested to be added as a co-sponsor.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Yee

020194 **[Supplemental Appropriation, Emergency Communications Department]**
**Supervisors Peskin, Daly, Ammiano, Newsom**

Ordinance appropriating $1,344,031 from the 911 Access Fee and reappropriating $280,533 in permanent salaries for a total of $1,624,564 to provide funding for the Civilianization Plan of the Fire/EMS communications functions and offset shortfalls in salaries and overtime for the Emergency Communications Department for fiscal year 2001-02.

(Fiscal impact; Companion measure to File 020195.)

*Supervisor Newsom requested to be added as a co-sponsor.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Yee

**020195 [Public Employment, Emergency Communications Department]**
**Supervisors Peskin, Daly, Ammiano, Newsom**

Ordinance amending Ordinance No. 171-01 (Annual Salary Ordinance 2001/02) reflecting the creation of one position at the Emergency Communications Department.

(Fiscal impact.)

*Supervisor Newsom requested to be added as a co-sponsor.*
**PASSED ON FIRST READING by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Yee

## SPECIAL ORDER 3:00 P.M.

**020479 [Public Hearing - Conditional Use Appeal, 417 31st Avenue]**
Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16346 dated February 14, 2002, approving Conditional Use Application No. 2001.0926C, to mount a total of three panel antennas to the belfry of an existing Church, within an NC-1 (Neighborhood Commercial Cluster) Zoning District and a 40-X Height and Bulk District, pursuant to Section 710.83 of the Planning Code, on property located at 417 31st Avenue, southwest corner of 31st Avenue and Clement Street; Lot 001, in Assessor's Block 1463.

(Filed March 18, 2002; Categorically exempt from environmental review process pursuant to exemption Classes 1, 3 and 11 of Title 14 of the California Administrative Code; Case No. 2001.0926C; companion measure to Files 020480, 020481, 020482; District 1.)

*Appellants: Niakru Sapari; Erica Dockins; Cliff Bayan; Deprice Thompson; Doug Laringer; Mark Zirgin; Tracy Keys; male speaker.*

*Respondents: Gerald Green, representing Planning Department; Jennifer Suprentis, Sprint PCS; Greg Stantian, engineer; Eric Alexanderson; Toanna Holingster; Robin Chuck, Interim Pastor; Dan Cartin; Clifford Porter; Michael Lam; Sharlot Manson, Church Treasurer; Patricia Ya.*

*A rebuttal period was allowed.*

*The President then declared the hearing closed.*
**HEARD AT PUBLIC HEARING.**

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**(Only one of the following two motions should be adopted.)**

020480 **[Appeal, Conditional Use, 417 31st Avenue]**

Motion approving decision of the Planning Commission by its Motion No. 16346, approving Conditional Use Application No. 2001.0926C, on property located at 417 31st Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor McGoldrick moved adoption.*

Motion No. M02-64

**Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 2 - Daly, Gonzalez

020481 **[Appeal, Conditional Use, 417 31st Avenue]**

Motion disapproving decision of the Planning Commission by its Motion No. 16346, approving Conditional Use Application No. 2001.0926C, on property located at 417 31st Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Supervisor Leno, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020482 **[Findings - 417 31st Avenue]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2001.0926C, on property located at 417 31st Avenue, for action by the Board at its next meeting. (Clerk of the Board)

Motion No. M02-65

**Supervisor Leno, seconded by Supervisor McGoldrick, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## SPECIAL ORDER 3:00 P.M.

**020520** **[Public Hearing - Appeal, Conditional Use, 20 Woodside Avenue (aka 501 Laguna Honda Boulevard)]**
Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No.16353 dated February 28, 2002, approving Conditional Use Application No. 2001.1142C, to install a total of three antennas within the bell tower of a church (St. John's United Church of Christ), and related equipment as part of a wireless communication network in a RH-1(D) (House, One-Family (Detached Dwelling)) Zoning District, and within a 40-X Height and Bulk District, pursuant to Section 209.5(b) of the Planning Code, on property located at: 20 Woodside Avenue (aka 501 Laguna Honda Boulevard) at the southeastern corner of Woodside Avenue and Laguna Honda Boulevard; Lot 001, in Assessor's Block 2888A.

(Appeal filed April 1, 2002; categorically exempt from the environmental review process pursuant to exemption Class 1 exemptions of Title 14 of the California Administrative Code; Case No. 2001.1142C; companion measure to Files 020521, 020522, 020523; District 7.)

*Appellants: Caren Saki, Karen Saki, Megan Sullivan, Dung Meringer, Mark Maringer, Denise, Gorden Wiminko, Pat Gerber.*

*Respondents: Gerald Green, representing Planning Department; Debra Stein, Metro PCS; Jonathan Manpost; William Kemas, engineer; Susie Sharp, Metro PCS.*

*A rebuttal period was allowed.*

*The President then declared the hearing closed.*
**HEARD AT PUBLIC HEARING.**

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

## (Only one of the following two motions should be adopted.)

**020521** **[Appeal, Conditional Use, 20 Woodside Avenue (aka 501 Laguna Honda Boulevard)]**
Motion approving decision of the Planning Commission by its Motion No. 16353 approving Conditional Use Application No. 2001.1142C, on property located 20 Woodside Avenue (aka 501 Laguna Honda Boulevard), at the southeastern corner of Woodside Avenue and Laguna Honda Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

**Supervisor McGoldrick, seconded by Supervisor Sandoval, moved that this Motion be TABLED. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020522** **[Appeal, Conditional Use, 20 Woodside Avenue (aka 501 Laguna Honda Boulevard)]**
Motion disapproving decision of the Planning Commission by its Motion No. 16353 approving Conditional Use Application No. 2001.1142C, on property located 20 Woodside Avenue (aka 501 Laguna Honda Boulevard), at the southeastern corner of Woodside Avenue and Laguna Honda Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

*Supervisor Peskin moved adoption.*

*This motion failed. Eight votes are required in order to pass this motion.*
**Supervisor Peskin, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion FAILED by the following vote:**
Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 4 - Hall, Leno, Newsom, Yee

020523 **[Findings - 20 Woodside Avenue (aka 501 Laguna Honda Boulevard)]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2001.1142C, on property located at 20 Woodside Avenue (aka 501 Laguna Honda Boulevard), at the southeastern corner of Woodside Avenue and Laguna Honda Boulevard, for action by the Board at its next meeting. (Clerk of the Board)

**Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Newsom, Yee

# COMMITTEE REPORTS

## Recommendation of the Health and Human Services Committee

011448 **[Internet Services Exchange]**
**Supervisors Maxwell, Daly, Leno, McGoldrick**

Ordinance amending the San Francisco Planning Code by amending Sections 209.6, 790.80 and 890.80 to define Internet Services Exchange as a new use within the utility installation use category; by amending Sections 178, 227, 234.2, 303, 817, 818, 907, 908, 912, and 913 to establish a requirement for a conditional use authorization for Internet Services Exchanges; by amending Section 204 to include certain Internet Service Exchanges as an accessory use; and adopting findings.

(Planning Commission Resolution No. 16265 adopted 10/25/01 recommending approval. Certificate of Exemption/Exclusion from Environmental Review dated 10/18/01; revised Exemption/Exclusion from Environmental Review dated 11/21/01)

*Supervisor Daly requested to be added as a co-sponsor.*

*Supervisor Maxwell requested this matter be continued to May 6, 2002.*

**Supervisor Maxwell, seconded by Supervisor Leno, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## PUBLIC COMMENT

*Abdallah Megahed, homeless;*
*Crunin Lain, no job age discrimination*
*Cheryl Bentley, Animal Control, defending Garcia;*
*Marco Lewis, Animal Control, defending Garcia;*
*Frederick Hobson, board process, defending Garcia;*
*Christian Garcia, mistreatment in Rules Committee;*
*Mitchell Lopez, mistreatment of public;*
*Berhane Assefa, ramp taxi;*
*Yale Feder, ramp cab;*
*Mark Gruberg, taxicab ramp cab;*
*Tom McDunn, Hetch Hetchy repairs, newsrack;*
*Espanola Jackson, rejecting Public Utilities Commission candidate;*
*Francisco Da Costa, rejecting Public Utilities Commission candidate;*
*Leon Low, public access television;*
*Matthew Cunningham.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**020647** **[Juror Appreciation Week]**
**Supervisors Leno, McGoldrick, Maxwell, Gonzalez, Sandoval, Hall, Daly**

Resolution declaring May 12 through 18, 2002, Juror Appreciation Week.

*Supervisors Sandoval, Hall, Newsom, Daly requested to be added as a co-sponsors.*

**Resolution No.** 277-02
**ADOPTED**

**020648** **[Lincoln High School Day]**
**Supervisors Hall, Newsom**

Resolution proclaiming May 4, 2002 as "Lincoln High School Day" in the City and County of San Francisco.

*Supervisor Newsom requested to be added as a co-sponsor.*

**Resolution No.** 278-02
**ADOPTED**

**020650** **[Commend - National Center for Lesbian Rights (NCLR)]**
**Supervisors Leno, Maxwell, McGoldrick, Gonzalez, Peskin, Newsom, Daly**

Resolution commending the National Center for Lesbian Rights (NCLR) on their 25th Anniversary.

*Supervisors Newsom, Daly, Peskin requested to be added as a co-sponsors.*

**Resolution No.** 279-02
**ADOPTED**

020651 **[Commend - Youth Credit Union Program]**
**Supervisors Leno, Maxwell, McGoldrick, Gonzalez, Newsom, Daly**

Resolution commending the Youth Credit Union Program, a credit union operated by youth ages 6 to 18 with support from Mission Community Financial Assistance.

*Supervisors Newsom, Daly requested to be added as a co-sponsors.*

**Resolution No.** 280-02
**ADOPTED**

020652 **[Commend - KUSF]**
**Supervisors Hall, Daly**

Resolution commending KUSF on the occasion of their 25th Anniversary.

*Supervisor Daly requested to be added as a co-sponsor.*

**Resolution No.** 281-02
**ADOPTED**

020636 **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

**Motion No.** M02-66
**APPROVED**

020658 **[Final Map for a 7 Unit Residential Condominium Project]**
Motion approving Final Map of 2436 Great Highway, A Residential Condominium Project, being a subdivision of Lot 39, Assessor's Block No. 2378, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,484; District 4.)

**Motion No.** M02-67
**APPROVED**

020659 **[Final Map for a 20 Unit Live/Work Condominium Project]**
Motion approving Final Map of 700 Illinois Street, a Live/Work Condominium Project, being a subdivision of Lot 4, Assessor's Block No. 4045, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,492; District 10.)

**Motion No.** M02-68
**APPROVED**

**020660** **[Final Map for a 17 Unit Live/Work Condominium Project]**

Motion approving Final Map of 88 Guy Place, a Live/Work Condominium Project, being a subdivision of Lot 63, Assessor's Block No. 3749, and adopting finding pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,493; District 6.)

**Motion No.** M02-69

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Ammiano

## Severed From For Adoption Without Committee Reference

**020644** **[Extend Time for Planning Commission Action]**
**Supervisor Yee**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by adding Section 306.10 to require publication of a cover sheet with neighborhood notices advising how to request information about notices in multiple languages.

*Supervisor Gonzalez requested this matter be severed so it could be considered separately.*

*Supervisor Gonzalez requested this matter be referred to committee.*
**REFERRED to the Public Works and Public Protection Committee.**

**020645** **[DHS - Access to California Law Enforcement Telecommunications System (CLETS)]**
**Supervisor Newsom**

Resolution authorizing the San Francisco Department of Human Services direct access to the California Law Enforcement Telecommunications System (CLETS) to obtain criminal history information for the specific purpose of assessing whether or not the particular placement of a child for whom DHS has care and custody is safe and appropriate.

*Supervisor Gonzalez requested this matter be severed so it could be considered separately.*

*Supervisor Gonzalez requested this matter be continued to May 6, 2002.*
**Supervisor Gonzalez, seconded by Supervisor Sandoval, moved that this Resolution be CONTINUED. The motion carried by the following vote:**

Ayes: 10 - Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Ammiano

020646 **[Grant Acceptance for MUNI Career Ladder Program]**
**Supervisors McGoldrick, Maxwell, Peskin, Daly**

Resolution providing authorization to the Municipal Railway Improvement Fund to accept a grant from the State of California's Employment Development Department to establish a San Francisco MUNI Railway "Career Ladder" Program.

*Supervisor McGoldrick requested this matter be severed so it could be considered separately.*

*Supervisor McGoldrick presented an amendment of the whole bearing a new title.*
**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:**
Ayes: 10 - Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Ammiano

Resolution providing authorization to the Municipal Railway Improvement Fund to accept and expend a grant from the State of California's Employment Development Department to establish a San Francisco MUNI Railway "Career Ladder" Program.

*Supervisors Newsom, Leno requested to be added as a co-sponsors.*

*Supervisor McGoldrick requested this matter be continued to May 6, 2002.*
**Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:**
Ayes: 10 - Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Ammiano

020649 **[Urging Bechtel Corporation to withdraw their punitive legal claim]**
**Supervisors Gonzalez, Daly**

Resolution urging Bechtel Corporation and its Bolivian subsidiary, Aguas del Tunari, to immediately withdraw their punitive legal claims in international courts against Bolivia and its people and to abstain from engaging in any further litigation or mediation claims - either within or without U.S. borders - with the South American country.

*Supervisor Gonzalez requested this matter be severed so it could be considered separately.*

*Supervisor Gonzalez requested this item be referred to committee.*
**REFERRED to the Rules and Audits Committee.**

## OFF-AGENDA LEGISLATION

### Introduced by Supervisors or Mayor

### Ordinances

**010009 [Payment for services of Police Officers]**
**Supervisors McGoldrick, Yee**

Ordinance amending Chapter 10B Section 10B.2 of the San Francisco Administrative Code to reinstate administrative overhead fee.

1/2/01, ASSIGNED UNDER 30 DAY RULE to Audit and Government Efficiency Committee, expires on 2/1/2001.

2/1/01, TRANSFERRED to Rules Committee. New committee structure.

1/16/02, FILED PURSUANT TO RULE 5.38.

4/29/02, REACTIVATED PURSUANT TO RULE 5.24. Supervisor McGoldrick requested this matter be reactivated.

4/29/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020678 [Increase in Cap on Mean Gate Fee for Taxis; Sunset Provision for Capping Gate Fees]**
**Supervisors Hall, Yee**

Ordinance amending Section 1135.1 of the Police Code to increase the mean gate fee cap for taxis to $90 per shift, and to provide that Section 1135.1 shall expire two years after effective date of amendment.

4/29/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 5/29/2002.

## Resolutions

**020679 [Reappointment of Ramon Romero to the San Francisco Redevelopment Agency]**
**Mayor, Supervisor Daly**

Resolution confirming the reappointment of Ramon Romero to the San Francisco Redevelopment Agency for the remainder of a four-year term ending September 3, 2005. (Mayor)

4/29/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020680 [Establishing a Striped Bicycle Lane on Cabrillo Street]**
**Supervisor McGoldrick**

Resolution establishing a striped bicycle lane westbound and eastbound on Cabrillo Avenue from Arguello Boulevard to Great Highway.

4/29/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020681 [Homeless Shelter Monitoring Committee]**
**Supervisor Gonzalez**

Resolution establishing a committee to monitor health and safety standards in homeless shelters funded by the City.

4/29/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020682 **[Interim Zoning for Large Retail Uses Above 50,000 Square Feet]**
**Supervisor Ammiano**

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for large retail uses in C-2, C-M, M-1, M-2, RSD, SLR, SLI, SPD and SSO zones, subject to certain exclusions, but including, where permissible, lots under the jurisdiction of the San Francisco Port Commission, for a one year period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

4/29/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 5/29/2002. 5/6/02 - Transmitted to Director of Planning for environmental review.

020683 **[Proclamation]**
**Supervisor Yee**

Resolution declaring September 21, 2002 WildAid Day in the City and County of San Francisco and recognizing WildAid's efforts to protect endangered wildlife and their habitats throughout California, the United States, and the World.

4/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020684 **[Department of Child Support Services]**
**Supervisor Yee**

Resolution in recognition of the Department of Child Support Services of San Francisco.

4/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020685 **[Senate Bill 573]**
**Supervisors Yee, Sandoval, Daly**

Resolution supporting Senate Bill 573, extending health care coverage to include acupuncture.

4/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020686 **[Proclamation]**
**Supervisors Yee, Sandoval**

Resolution proclaiming the month of May, 2002, as Mental Health Month in the City and County of San Francisco.

4/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020687** **[Urging the San Francisco Examiner and San Francisco Independent to bargain in good faith]**
**Supervisors McGoldrick, Peskin, Ammiano, Sandoval, Gonzalez, Maxwell, Daly, Hall**

Resolution urging the publisher and management of the San Francisco Examiner and San Francisco Independent newspapers to bargain in good faith with prepress employees to reach a fair and equitable collective bargaining agreement.
4/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020688** **[Urging the Federal Energy Regulatory Commission to extend the price mitigation measures]**
**Supervisors Leno, McGoldrick, Daly**

Resolution urging the Federal Energy Regulatory Commission to extend the September 30, 2002 date established for ending the price mitigation measures in the California wholesale electric market in order to protect consumers from unreasonable prices, and further urging the Commission to extend the May 1, 2002 filing deadline for a market redesign proposal to allow time for the Independent System Operator (ISO) to engage in a rational market redesign process with its stakeholders.
4/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020689** **[Assembly Bill 3029]**
**Supervisors Leno, Daly**

Resolution urging the California State Assembly to pass and Governor Gray Davis to sign AB 3029 (Darrel Steinberg) creating rules in consumer arbitration.
4/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020690** **[Proclamation]**
**Supervisors Maxwell, Newsom, Sandoval, Daly, Leno**

Resolution declaring May 7, 2002 as World Asthma Day in San Francisco.
4/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020691** **[Hispanic Heritage Baseball Museum]**
**Supervisors Hall, Sandoval**

Resolution welcoming the Hispanic Heritage Baseball Museum and urging all City Officials to support the steps necessary for building the museum in San Francisco.
4/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020692** **[Commemorating Asian Pacific American Heritage Month]**
**Supervisors Yee, Peskin, Sandoval, Leno, McGoldrick**

Resolution commemorating Asian Pacific American Heritage Month.
4/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020693 **[Commending Volunteers of Rebuilding Together]**
**Supervisors Maxwell, Daly, Newsom**

Resolution commending the dedicated volunteers of "Rebuilding Together" for their commitment to serving the low-income and homeowners and nonprofits in the City and County of San Francisco.
4/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020694 **[Commending United Parcel Services]**
**Supervisor Maxwell**

Resolution commending United Parcel Services for their dedication and commitment to serving their community.
4/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020695 **[Commending Noe Valley Voice]**
**Supervisors Leno, Newsom, Peskin, Sandoval**

Resolution commending the Noe Valley Voice for 25 years of service.
4/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020696 **[Commending Access Media and the Community Television Corporation]**
**Supervisors Leno, Ammiano, Maxwell, Sandoval**

Resolution commending Access Media and the Community Television Corporation.
4/29/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

020697 **[May 21, 2002 Preliminary Budget Hearings]**
**Supervisor Maxwell**

Hearings on the following departments' Preliminary Budgets:

SUBMITTED DEPARTMENTS: Asian Art Museum, Art Commission, Convention Facilities Management, Fine Arts Museum, Law Library, Academy of Sciences, County Education Office, War Memorial, Adult Probation, Medical Examiner, Trial Courts.
DEPARTMENTAL PRESENTATIONS: Environment, Human Rights Commission, Municipal Transportation Agency (MUNI, Parking and Traffic), Fire.
4/29/02, RECEIVED AND ASSIGNED to Budget Committee.

**020698** **[May 14, 2002 Preliminary Budget Hearings]**
**Supervisor Maxwell**

Hearings on the following departments' Preliminary Budgets:

SUBMITTED DEPARTMENT: Board of Appeals.
DEPARTMENTAL PRESENTATIONS: Airport Commission, Building Inspection, Emergency Communications.
4/29/02, RECEIVED AND ASSIGNED to Budget Committee.

**020699** **[May 7, 2002 Preliminary Budget Hearings]**
**Supervisor Maxwell**

Hearings on the following departments' Preliminary Budgets:

DEPARTMENTAL PRESENTATIONS: Children and Families Commission, Children, Youth and Their Families, Aging and Adult Services, Human Services, Public Health.
4/29/02, RECEIVED AND ASSIGNED to Budget Committee.

**020700** **[Redevelopment Agency]**
**Supervisor McGoldrick**

Hearing on the appropriate uses by the Redevelopment Agency of direct development as a strategy to implement the goals of the agency in a planning area. This hearing will explore what standards the agency proposes to employ in deciding when direct development is more efficient and effective than other methods of development more traditional used by the agency, with particular attention to what standards the agency staff recently employed in reversing its recommendations that the Plaza Hotel site should be developed through contracts with a non-profit developer and recommending instead that it be directly by the agency.
4/29/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

## Motions

**020676** **[Amending the Board's Process for Considering Appointments to the Planning Commission and the Board of Appeals]**
Motion amending Rule 2.31 of the Rules of Order of the Board of Supervisors of the City and County of San Francisco to amend the process for the Board's consideration of appointments to the Planning Commission and the Board of Appeals, consistent with Charter Sections 4.105 and 4.106. (Clerk of the Board)

(Requires eight votes to pass.)
4/29/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020677 **[Legislative Analyst Request]**
**Supervisors Gonzalez, Daly**

Motion asking the Legislative Analyst to prepare a report on educational programs provided to youth offenders detained in juvenile facilities similar to the City and County of San Francisco's Youth Guidance Center. The report shall detail "best practices" used in other major metropolitan areas. Metropolitan areas used in the report may have population and youth crime statistics similar to those in San Francisco.

4/29/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration May 6, 2002.
Sponsor requests this report be completed within 30 days.

020701 **[Amending Rule 6.15 of the Rules of Order, Supervisors Appointment to Second Outside Board or Commission]**
**Supervisors Gonzalez, Daly**

Motion amending Rule 6.15 of the Rules of Order of the Board of Supervisors to provide that before a Supervisor may be appointed to a second outside Board or Commission (excluding the San Francisco LAFCO and the Transportation Authority) every other Supervisor shall have been given the opportunity to serve on at least one outside Board or Commission.

(5/7/02: Supervisor Sandoval dissenting in Committee.)
4/29/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

## Introduced by the President at the Request of Departments

# PROPOSED ORDINANCES

020663 **[Extension of Sunset Clause - Utilization of Bid/RFP Process for Awarding of Parking Authority Leases and Management Contracts]**
Ordinance amending Section 17.11 (a) of the San Francisco Administrative Code to extend the authorization of the Parking Authority to utilize a Bid/RFP process for the awarding of all leases and management agreements for the use or operation of parking facilities. (Parking and Traffic Department)
4/24/02, RECEIVED AND ASSIGNED to Finance Committee.

# PROPOSED RESOLUTIONS

020517 **[Grant - Police Department Local Forensic Laboratory Improvement Program]**
Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend grant funds made available through the Governor's Office of Criminal Justice Planning (OCJP) for a project entitled, "Local Forensic Laboratory Improvement Program (LFLIP)". (Police Department)
4/24/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

020634 **[Japan Center Garage Public Parking Lease]**
Resolution approving the proposed new Japan Center Garage Public Parking Lease by and between the City and County of San Francisco and the City of San Francisco Japan Center Garage Corporation. (Parking and Traffic Department)
4/18/02, RECEIVED AND ASSIGNED to Finance Committee.

**020635** **[Lease of Property]**

Resolution authorizing the lease of real property at 945 Bryant Street, San Francisco, California, for the Department of Human Services. (Real Estate Department)

(Fiscal impact; District 6.)
4/22/02, RECEIVED AND ASSIGNED to Finance Committee.

**020661** **[Authorizing DPH to enter into a contract with STANFORD for research services]**

Resolution authorizing the San Francisco Department of Public Health, Community Health Network of San Francisco, Laguna Honda Hospital (CHN, LHH) to enter retroactively into an agreement which includes an indemnification clause, with The Board of Trustees of the Leland Stanford Junior University (STANFORD), the primary contractor, and expend funds in the amount of $2,500 for research services, for the period of September 1, 2001 to June 30, 2002. (Public Health Department)

4/24/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Department requests this item be scheduled for consideration at the May 16, 2002 meeting.

**020662** **[Mental health services to HIV positive women and their adult family members]**

Resolution authorizing the San Francisco Department of Public Health, HIV Mental Health Program at the Center for Special Problems (SFDPH, CSP) to enter retroactively into an agreement in the amount of $18,450 with The Regents of the University of California San Francisco (UCSF), the primary contractor, to provide outpatient mental health services to women who have HIV and their adult family members, for the period of August 1, 2001 to July 31, 2002. (Public Health Department)

4/24/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Department requests this item be scheduled for consideration at the May 16, 2002 meeting.

## Requests Granted

*From: Supervisor Hall*
*To: City Attorney*
*Requesting/Inquiring: To draft a Charter Amendment that would implement the cost saving measures proposed by Gloria Young, Clerk of the Board of Supervisors, in the fiscal year 2002/03 proposed Budget for the Board of Supervisors.*

*From: Supervisor Gonzalez*
*To: Director, Mayor's Criminal Justice Council*
*Requesting/Inquiring: To detail alternative uses for vacant beds in the proposed 150-bed Youth Guidance Center which would both comply with all the requirements encumbered by local, state and federal funding but also minimize full-time detention of youth.*

*From: Supervisor Gonzalez*
*To: Director, Juvenile Probation Department*
*Requesting/Inquiring: To detail alternative uses for vacant beds in the proposed 150-bed Youth Guidance Center which would both comply with all the requirements encumbered by local, state and federal funding but also minimize full-time detention of youth.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Doris Hoffmann (Supervisor Leno)*
*Anne Lawder Fletcher (Supervisor Leno)*
*Dr. John Bazzano (Supervisor Hall)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 7:00 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on July 8, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited*

Gloria L. Young
Clerk of the Board

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# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.
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**Monday, May 6, 2002 2:00 PM**

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

**Regular meeting**

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***TOM AMMIANO, PRESIDENT***
***CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,***
***SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,***
***AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE***
***Gloria L. Young, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Ammiano | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 18

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

# ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Daly, Gonzalez, Newsom, Sandoval - 4.*

*Quorum present.*

*Supervisor Daly was noted present at 2:05 p.m.*

*Supervisor Gonzalez was noted present at 2:01 p.m.*

*Supervisor Newsom was noted present at 2:02 p.m.*

*Supervisor Sandoval was noted present at 2:01 p.m.*

# APPROVAL OF MEETING MINUTES

**Supervisor Leno, seconded by Supervisor Maxwell, moved to approve the March 4, 7, and 11, 2002 Meeting Minutes. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*There were none.*

## Privilege of the Floor

**Supervisor Leno, seconded by Supervisor Peskin, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Introduction of Guests

*Supervisor Leno introduced, welcomed and presented a Commendation to representatives of the Youth Credit Union Program.*

*Supervisor Leno introduced, welcomed and presented a Commendation to representatives of the Noe Valley Voice.*

# CONSENT AGENDA

## Recommendation of the Transportation and Commerce Committee

**020243** **[Grant- MUNI Connector Project]**
Resolution authorizing the Municipal Transportation Agency to accept and expend $3,325,000 of Regional Measure One Funds for Municipal Railway Transit Project. (Municipal Transportation Agency)

**Resolution No.** 282-02
**ADOPTED**

**The foregoing items were acted upon by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

# REGULAR AGENDA

# UNFINISHED BUSINESS

## From the Clerk

**020667** **[Adopting findings related to the conditional use appeal on property located at 417-31st Avenue]**
Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2001.0926C (which authorized, subject to certain conditions, the mounting of three panel antennas to the belfry of an existing Church) within an NC-1 (Neighborhood Commercial Cluster) Zoning District and a 40-X Height and Bulk District, pursuant to Section 710.83 of the Planning Code, on property located at 417-31st Avenue, southwest corner of 31st Avenue and Clement Street (Lot 001 in Assessor's Block 0819. (Clerk of the Board)

(Companion measure to Files 020479, 020480, 020481, 020482.)

**Motion No.** M02-70
**APPROVED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Hall

## Recommendations of the Finance Committee

020193 **[Emergency Response Fee Amendments]**
**Supervisors Peskin, Daly, Ammiano, Newsom**

Ordinance amending Articles 6 and 10a of the San Francisco Business And Tax Regulations Code by amending Sections 6.1-1, 750, 751, 753, 755 and 757, deleting Section 756 and adding Sections 752.2 and 755.1 to clarify the application of the Code's common administrative provisions to the Emergency Response Fee; to provide for use of Emergency Response Fee Revenues for operating costs of the 911 Communication System; to update the findings supporting the fee; to increase the amount of the annual cap on fee payments per account, per service location to reflect inflation; to increase the fee rate for trunk line subscribers and add a rate for high capacity trunk line subscribers; and to eliminate the fee sunset, and amending Section 10.100-67 of the San Francisco Administrative Code to allow for use of monies in the Emergency Communications 911 Emergency Response Fund for operating costs of the 911 Communication System.

(Fiscal impact.)

**Ordinance No.** 71-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Yee

020194 **[Supplemental Appropriation, Emergency Communications Department]**
**Supervisors Peskin, Daly, Ammiano, Newsom**

Ordinance appropriating $1,344,031 from the 911 Access Fee and reappropriating $280,533 in permanent salaries for a total of $1,624,564 to provide funding for the Civilianization Plan of the Fire/EMS communications functions and offset shortfalls in salaries and overtime for the Emergency Communications Department for fiscal year 2001-02.

(Fiscal impact; Companion measure to File 020195.)

**Ordinance No.** 72-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Yee

020195 **[Public Employment, Emergency Communications Department]**
**Supervisors Peskin, Daly, Ammiano, Newsom**

Ordinance amending Ordinance No. 171-01 (Annual Salary Ordinance 2001/02) reflecting the creation of one position at the Emergency Communications Department.

(Fiscal impact.)

**Ordinance No.** 73-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Yee

**020464** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by New Times, Inc., San Francisco Newspaper Printing Company, Inc., Gannett Satellite Information Network, Inc., The New York Times Company, San Jose Mercury News, Inc., Los Angeles Times, Dow Jones & Company, Inc., Bay Guardian Company, Inc., and United Advertising Publications, Inc. against the City and County of San Francisco for $85,000; the lawsuit was filed on January 5, 1999, in the United States District Court for the Northern District of California, C No. C-99-0020 (WHA); entitled New Times, Inc., et al., v. City and County of San Francisco, et al.; other material terms of said settlement are the City's amendment of San Francisco Public Works Code Section 184.12, the Director of Public Works' promulgation of amended guidelines, and the City's approval of the First Amended and Restated Pedestal-Mounted Newsrack Agreement by and between the City and County of San Francisco and Clear Channel Adshel, Inc. (City Attorney)

(Companion measure to Files 020465, 020466.)
(Supervisor Daly dissenting in Committee.)

**PASSED ON FIRST READING by the following vote:**
Ayes: 8 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee
Noes: 3 - Daly, Gonzalez, Sandoval

**020465** **[Regulation of Newsracks; Amendment of Fixed Pedestal Newsrack Program]**

Ordinance amending the San Francisco Public Works Code, Article 5.4, by repealing the existing Section 184.12 and enacting a new Section 184.12 regulating the placement and maintenance of newsracks on public streets, sidewalks and rights-of-way to prohibit freestanding newsracks in specified areas of the City, authorizing the creation of fixed pedestal zones in specified areas of the City, and authorizing the Director of Public Works to select and enter into agreements with vendors to provide and maintain fixed pedestal newsracks. (City Attorney)

(Supervisor Daly dissenting in Committee.)

**PASSED ON FIRST READING by the following vote:**
Ayes: 8 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee
Noes: 3 - Daly, Gonzalez, Sandoval

**020466** **[Contract - CCSF and Clear Channel Adshel, Inc.]**

Ordinance approving the First Amended and Restated Pedestal-Mounted Newsrack Agreement By and Between the City and County of San Francisco and Clear Channel Adshel, Inc., which allows for the provision installation, and maintenance of pedestal-mounted newsracks on public property; approving an indemnification of the contractor by the City for specified claims initiated by publishers or other specified claimants, concerning the fixed pedestal program, the fixed pedestal units, their operation, or the agreement with Clear Channel Adshel, Inc., and for specified claims including bodily injury or property damage arising from the City's performance of said agreement; and authorizing the Director of the Department of Public Works to make changes to the Department of Public Works Director's Orders incorporated by reference in the agreement with Clear Channel Adshel, Inc. (City Attorney)

(Supervisor Daly dissenting in Committee.)

**PASSED ON FIRST READING by the following vote:**
Ayes: 8 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee
Noes: 3 - Daly, Gonzalez, Sandoval

## CONFERENCE WITH CITY ATTORNEY - Existing Litigation

020668 **[Existing Litigation - City as Defendant]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation in which the plaintiffs, various businesses, are, in sum, challenging the constitutionality of the City's Pedestal-Mounted Newsrack (Pedmount) Program, as permitted by Government Code Section 54956.9(a) and Administrative Code Section 67.8(a)(3):

New Times, Inc., et al (New Times, Inc., San Francisco Newspaper Printing Company, Inc., Gannett Satellite Information Network, Inc., The New York Times Company, San Jose Mercury News, Inc., Los Angeles Times, Dow Jones & Company, Inc., Bay Guardian Company, Inc., and United Advertising Publications, Inc.) v. City and County of San Francisco, et al.
United States District Court, No. C-99-0020 (WHA)
Date Filed: 1/5/99 (City Attorney)

**Supervisor Daly, seconded by Supervisor McGoldrick, moved to convene in closed session. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*Recess*

*The Board recessed at the hour of 5:36 p.m. to convene in closed session pursuant to the above motion.*

*Reconvening of the Board*

*The Board at the hour of 6:26 p.m. reconvened.*

*Calling the Roll*

*On call of the roll, the following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee - 11.*

*Quorum present.*

*Report on Closed Session*

*Deputy City Attorney Ted Lakey reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.*

*Persons in attendance:*
*Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee;*
*Ted Lakey, Deputy City Attorney;*
*Buck Delventhal, Deputy City Attorney;*
*Randy Riddle, Deputy City Attorney;*
*Wayne Snodgrass, Deputy City Attorney;*
*Gloria L. Young, Clerk of the Board;*
*Victor Young, Assistant Clerk.*

*The meeting was informational only and no action was taken.*
HEARD IN CLOSED SESSION.

*[Elect Not to Disclose]*
*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.*

**Supervisor Daly, seconded by Supervisor Newsom, moved not to disclose its closed session deliberations. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendation of the Health and Human Services Committee

**011448 [Internet Services Exchange]**
**Supervisors Maxwell, Daly, Leno, McGoldrick**

Ordinance amending the San Francisco Planning Code by amending Sections 209.6, 790.80 and 890.80 to define Internet Services Exchange as a new use within the utility installation use category; by amending Sections 178, 227, 234.2, 303, 817, 818, 907, 908, 912, and 913 to establish a requirement for a conditional use authorization for Internet Services Exchanges; by amending Section 204 to include certain Internet Service Exchanges as an accessory use; and adopting findings.

(Planning Commission Resolution No. 16265 adopted 10/25/01 recommending approval. Certificate of Exemption/Exclusion from Environmental Review dated 10/18/01; revised Exemption/Exclusion from Environmental Review dated 11/21/01)

*Supervisors Leno, McGoldrick requested to be added as co-sponsors.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendation of Neighborhood Services and Recreation Committee

**020437 [Liquor License Transfer, 1750 Fulton Street]**

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage control license to Albertson's Inc. from 17 Kearny Street to the new Albertson's store located at 1750 Fulton Street (District 5), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

*Supervisor Gonzalez moved to amend Page 2, line 4, after the words "permitted delivery hours;" by adding "(3) The hours of sales of alcoholic beverages at Albertson's shall not exceed 7:00 a.m. to 10:00 p.m.; (4) The pharmacy currently planned to operate at the site shall not offer for sale alcoholic beverages without first receiving permission from the City and State Agencies."*

**Supervisor Gonzalez, seconded by Supervisor McGoldrick, moved that this Resolution be AMENDED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*The roll was then called on the pending resolution, as amended.*

Resolution No. 283-02

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# NEW BUSINESS

## Recommendations of the Finance Committee

020468 **[MOU Amendment No. 4, SEIU, AFL-CIO Locals 250, 535, and 790]**

Ordinance adopting and implementing Amendment No. 4 to the 2000-2003 Collective Bargaining Agreement between the City and County of San Francisco and the Service Employees International Union, AFL-CIO, Locals 250, 535 and 790 by amending Article IV.D (Additional Compensation and Premium Pay) to provide for POST and/or Educational Premium pay for employees assigned to classification 2580 (Medical Examiner Investigator). (Human Resources Department)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020475 **[Appropriation - City Attorney Affirmative Litigation Program]**

**Supervisor Daly**

Ordinance appropriating, retroactively, $508,673 from the code enforcement settlement on 351 California Street and $442,741 from the reserve for the Hanlon Arbitration Award, for a total of $951,414, for the Affirmative Litigation Program in the City Attorney's Office in fiscal year 2001-02. (Controller)

(Fiscal impact.)

*Supervisor Daly requested to be added as sponsor.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020535 **[Unrepresented Employees]**

**Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2002. (Mayor)

(Fiscal impact.)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020494** **[Parking Meter Management System]**
**Supervisor Ammiano**

Resolution authorizing the Executive Director of the Department of Parking and Traffic to execute an agreement between the City and County of San Francisco and Serco Management Services, Inc. for a Parking Meter Management System.

(Fiscal impact.)
(Supervisor Daly dissenting in Committee.)

*Supervisor Newsom moved to continue this matter to May 13, 2002.*

**Supervisor Newsom, seconded by Supervisor Peskin, moved that this Resolution be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020495** **[Certification of Lower Cost of Services]**
**Supervisor Ammiano**

Resolution concurring with the Controller's certification that a proposed agreement with Serco Management Services, Inc. for a Parking Meter Management System which includes collection and coin counting services, can practically be performed by a private contractor for a lower cost than similar services performed by City and County employees.

(Fiscal impact; Companion measure to File 020494.)
(Supervisor Daly dissenting in Committee.)

*Supervisor Newsom moved to continue this matter to May 13, 2002.*

**Supervisor Newsom, seconded by Supervisor Peskin, moved that this Resolution be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020615** **[Grant - Mayor's Office of Community Development]**
**Mayor**

Resolution approving the 2002 Community Development Program. Authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend the City's 2002 Community Development Block Gran (CDBG) entitlement from the U. S. Department of Housing and Urban Development, and Program Income of $33,722,231 which include indirect costs of $160,000, and approving expenditure schedules for recipient departments and agencies and for indirect costs; placing $175,510 on reserve. (Mayor)

**Resolution No.** 285-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020616 **[Grant - Emergency Shelter]**
**Mayor, Supervisor Newsom**

Resolution approving the 2002 Emergency Shelter Grants Program and Expenditure Schedule; and authorizing the Mayor on behalf of the City and County of San Francisco to accept, and expend an $879,000 entitlement under the Emergency Shelter Grants Program from the U. S. Department of Housing and Urban Development. (Mayor)

**Resolution No.** 286-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020617 **[Grant - HOME Program]**
**Mayor**

Resolution authorizing the Mayor of the City and County of San Francisco to accept and expend a grant from the U. S. Department of Housing and Urban Development for a total amount of $7,865,000 for the Home Program authorized under Title II of the National Affordable Housing Act of 1990, Public Law Number 101-625, and approving the Home Program description as described in the 2002 Action Plan for San Francisco's Consolidated Plan. Indirect costs associated with the acceptance of these grant funds will be paid by the Community Development Block Grant funds; placing $20,000 on reserve. (Mayor)

**Resolution No.** 287-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendation of the Neighborhood Services and Recreation Committee

020496 **[Bail Schedule]**
**Supervisor Newsom**

Resolution urging the presiding judge of the Superior Court to convene the Judge's Bail Committee in consultation with the San Francisco Police Department and the San Francisco Sheriff's Department to assess the bail schedule in order to determine what adjustments are needed to bring San Francisco in line with other Bay Area counties.

*Supervisor Gonzalez presented an amendment of the whole bearing the same title.*
**Supervisor Gonzalez, seconded by Supervisor Daly, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**Resolution No.** 284-02
**ADOPTED AS AMENDED by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Newsom, Peskin, Yee
Noes: 2 - Maxwell, Sandoval

## Recommendations of the Transportation and Commerce Committee

**012131 [Ramped Taxi]**
**Supervisors Maxwell, McGoldrick**

Ordinance amending Section 1148.1 of the Police Code to reduce, from five to three years, the time after receipt of a ramped taxi permit that the permittee is precluded from accepting a different motor vehicle for hire permit; and requiring six months' notice of the permittee's intent to leave the ramped taxi program.

*Supervisor Maxwell presented an amendment of the whole bearing the same title.*

**Supervisor Maxwell, seconded by Supervisor Newsom, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*Supervisor McGoldrick requested to be added as co-sponsor.*

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**012132 [Garcia and Maggini Warehouse as a Landmark]**
**Supervisors Maxwell, Peskin, Sandoval, McGoldrick, Daly, Leno, Newsom**

Ordinance designating 128 King Street, the Garcia and Maggini Warehouse, as Landmark No. 229 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code.

*Supervisors Peskin, Daly, Leno, Sandoval, McGoldrick requested to be added as co-sponsors.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## PUBLIC COMMENT

*Ernestine Weiss, Golden Gate West Center Seniors Programs;*
*Amos Brown, Frederick Hobson, Virgil Hexndon, male speaker, concerning Tammy Haygood, Department of Elections;*
*Ms. Fethen, policy brutality;*
*James Chaffee, Public Library foundation management;*
*Joyce Miller, Mothers In Prison and Children in Crisis, Proposition 36 implementation;*
*Richard Knee, sunshine newsrack;*
*Mr. Wittleburn, welfare;*
*Robert Pender, housing projects;*
*Peter Mitt, taxi driver, ramped cab.*

## APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

**020677 [Legislative Analyst Request]**
**Supervisors Gonzalez, Daly**

Motion asking the Legislative Analyst to prepare a report on educational programs provided to youth offenders detained in juvenile facilities similar to the City and County of San Francisco's Youth Guidance Center. The report shall detail "best practices" used in other major metropolitan areas. Metropolitan areas used in the report may have population and youth crime statistics similar to those in San Francisco.

*Supervisor Daly requested to be added as co-sponsor.*

**APPROVED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 1 - McGoldrick

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**020645 [DHS - Access to California Law Enforcement Telecommunications System (CLETS)]**
**Supervisor Newsom**

Resolution authorizing the San Francisco Department of Human Services direct access to the California Law Enforcement Telecommunications System (CLETS) to obtain criminal history information for the specific purpose of assessing whether or not the particular placement of a child for whom DHS has care and custody is safe and appropriate.

Resolution No. 288-02
**ADOPTED**

**020646 [Grant Acceptance for MUNI Career Ladder Program]**
**Supervisors McGoldrick, Maxwell, Peskin, Daly, Newsom, Leno, Sandoval**

Resolution providing authorization to the Municipal Railway Improvement Fund to accept and expend a grant from the State of California's Employment Development Department to establish a San Francisco MUNI Railway "Career Ladder" Program.

*Supervisor Sandoval requested to be added as co-sponsor.*

Resolution No. 289-02
**ADOPTED**

**020683 [Proclamation]**
**Supervisor Yee**

Resolution declaring September 21, 2002 WildAid Day in the City and County of San Francisco and recognizing WildAid's efforts to protect endangered wildlife and their habitats throughout California, the United States, and the World.

Resolution No. 290-02
**ADOPTED**

**020684 [Department of Child Support Services]**
**Supervisor Yee**

Resolution in recognition of the Department of Child Support Services of San Francisco.

**Resolution No.** 291-02
**ADOPTED**

**020685 [Senate Bill 573]**
**Supervisors Yee, Sandoval, Daly**

Resolution supporting Senate Bill 573, extending health care coverage to include acupuncture.

*Supervisors Sandoval, Daly requested to be added as co-sponsors.*
**Resolution No.** 292-02
**ADOPTED**

**020686 [Proclamation]**
**Supervisors Yee, Sandoval**

Resolution proclaiming the month of May, 2002, as Mental Health Month in the City and County of San Francisco.

*Supervisor Sandoval requested to be added as co-sponsor.*
**Resolution No.** 293-02
**ADOPTED**

**020687 [Urging the San Francisco Examiner and San Francisco Independent to bargain in good faith]**
**Supervisors McGoldrick, Peskin, Ammiano, Sandoval, Gonzalez, Maxwell, Daly, Hall**

Resolution urging the publisher and management of the San Francisco Examiner and San Francisco Independent newspapers to bargain in good faith with prepress employees to reach a fair and equitable collective bargaining agreement.

**Resolution No.** 307-02
**ADOPTED**

**020688 [Urging the Federal Energy Regulatory Commission to extend the price mitigation measures]**
**Supervisors Leno, McGoldrick, Daly**

Resolution urging the Federal Energy Regulatory Commission to extend the September 30, 2002 date established for ending the price mitigation measures in the California wholesale electric market in order to protect consumers from unreasonable prices, and further urging the Commission to extend the May 1, 2002 filing deadline for a market redesign proposal to allow time for the Independent System Operator (ISO) to engage in a rational market redesign process with its stakeholders.

*Supervisor Daly requested to be added as co-sponsor.*
**Resolution No.** 294-02
**ADOPTED**

020689 **[Assembly Bill 3029]**
**Supervisors Leno, Daly**

Resolution urging the California State Assembly to pass and Governor Gray Davis to sign AB 3029 (Darrel Steinberg) creating rules in consumer arbitration.

*Supervisor Daly requested to be added as co-sponsor.*
**Resolution No.** 295-02
**ADOPTED**

020690 **[Proclamation]**
**Supervisors Maxwell, Newsom, Sandoval, Daly, Leno**

Resolution declaring May 7, 2002 as World Asthma Day in San Francisco.

*Supervisors Sandoval, Daly, Leno requested to be added as co-sponsors.*
**Resolution No.** 296-02
**ADOPTED**

020691 **[Hispanic Heritage Baseball Museum]**
**Supervisors Hall, Sandoval**

Resolution welcoming the Hispanic Heritage Baseball Museum and urging all City Officials to support the steps necessary for building the museum in San Francisco.

*Supervisor Sandoval requested to be added as co-sponsor.*
**Resolution No.** 297-02
**ADOPTED**

020692 **[Commemorating Asian Pacific American Heritage Month]**
**Supervisors Yee, Peskin, Sandoval, Leno, McGoldrick**

Resolution commemorating Asian Pacific American Heritage Month.

*Supervisors Peskin, Sandoval, Leno, McGoldrick requested to be added as co-sponsors.*
**Resolution No.** 298-02
**ADOPTED**

020693 **[Commending Volunteers of Rebuilding Together]**
**Supervisors Maxwell, Daly, Newsom**

Resolution commending the dedicated volunteers of "Rebuilding Together" for their commitment to serving the low-income and homeowners and nonprofits in the City and County of San Francisco.

*Supervisors Daly, Newsom requested to be added as co-sponsors.*
**Resolution No.** 299-02
**ADOPTED**

**020694 [Commending United Parcel Services]**
**Supervisor Maxwell**

Resolution commending United Parcel Services for their dedication and commitment to serving their community.

**Resolution No.** 300-02
**ADOPTED**

**020695 [Commending Noe Valley Voice]**
**Supervisors Leno, Newsom, Peskin, Sandoval**

Resolution commending the Noe Valley Voice for 25 years of service.

*Supervisors Peskin, Sandoval requested to be added as co-sponsors.*

**Resolution No.** 301-02
**ADOPTED**

**020696 [Commending Access Media and the Community Television Corporation]**
**Supervisors Leno, Ammiano, Maxwell, Sandoval**

Resolution commending Access Media and the Community Television Corporation.

*Supervisor Sandoval requested to be added as co-sponsor.*

**Resolution No.** 302-02
**ADOPTED**

**020703 [Supporting Assembly Bill 2972]**
**Supervisors Daly, Leno**

Resolution acknowledging support of Assembly Bill 2972 (Aroner) which will allow targeting of youth ages 18-24 for state funded housing programs.

*Supervisor Leno requested to be added as co-sponsor.*

**Resolution No.** 303-02
**ADOPTED**

**020674 [Final Map for a 7 Unit Mixed Use Condominium Project]**
Motion approving Final Map of 4851 - 4855 Mission Street, a Mixed Use Condominium Project, being a subdivision of Lot 29, Assessor's Block No. 6272, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,499; District 11.)

**Motion No.** M02-71
**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Gonzalez, seconded by Supervisor Leno, moved ADOPTION of the commendatory finding. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Gonzalez, seconded by Supervisor Leno, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Imperative Agenda

**020713 [Small Business Week Proclamation]**
**Supervisor Leno**

Resolution declaring May 5-11, 2002, Small Business Week in the City and County of San Francisco.

*Supervisor Leno presented for immediate adoption.*

**Resolution No.** 304-02

**Supervisor Gonzalez, seconded by Supervisor Leno, moved that this Resolution be ADOPTED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**020493 [Front Yard Paving]**
**Supervisor Sandoval**

Ordinance amending Sections 132 and 136 of the Planning Code to require that twenty percent of required setback areas remain unpaved and devoted to plant material, and to prohibit parking from obstructing required setbacks, and making findings of consistency with the priority policies of the Planning Code Section 101.1 and the General Plan.

(Certificate of Exemption/Exclusion from Environmental Review dated 6/19/02)

3/25/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 4/24/2002. 4/12/02 - Transmitted to Planning Commission for public hearing and recommendation.

5/6/02, SUBSTITUTED. Supervisor Sandoval submitted a substitute ordinance bearing new title.

5/6/02, ASSIGNED to Transportation and Commerce Committee.

**020715 [SSIP--Advocacy Program]**
**Supervisor Newsom**

Ordinance amending Administrative Code Section 20.205.2 to establish an advocacy program within the Department of Human Services to assist individuals with their applications for Supplemental Security Income and to require recipients of SSIP benefits to participate in an SSI advocacy program.

5/6/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020716 [Amending Rent Control Ordinance Regarding Permissible Passthrough from Landlords to Residential Tenants]**
**Supervisors Ammiano, Leno, McGoldrick, Maxwell**

Ordinance amending the Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) regarding permissible passthrough of bond costs from landlords to tenants by providing for 50% passthrough of the change in the landlord's property tax resulting from the repayment of general obligation bonds of the City and County of San Francisco approved by the voters in the future; and regarding permissible passthrough from landlords to residential tenants of certain costs for capital improvements, rehabilitation, energy conservation improvements, and renewable energy improvements, by codifying and expanding existing amortization schedules, by establishing specified maximum annual passthroughs at 5% of a tenant's base rent for properties with five or fewer units and at 10% of a tenant's base rent for properties with six or more units, by capping certification for work and improvements on properties with six or more residential units at 50% of landlord costs unless the tenant elects 100% passthrough of costs with a lifetime rent increase cap of 15% of base rent, by lengthening the amortization period from 10 years to 20 years for certain improvements required by law (including certain seismic improvements to unreinforced masonry buildings), by providing tenants and the Rent Board with pre-application notice of large projects, by providing that each petition totaling more than $25,000 must pay the cost of an estimator hired by the Rent Board unless the applicant provides copies of competitive bids received or copies of time and materials billing, by providing for the Commission on the Environment to conduct hearings and recommend new passthrough provisions encouraging energy conservation improvements and renewable energy improvements, and by expanding the provisions for tenant hardship applications for relief from such passthroughs by providing that a tenant can file such an application at any time instead of only at the time the passthrough is originally approved. This Ordinance amends Sections 37.2, 37.3, and 37.7, and 37.8B, with most provisions operative May 1, 2002 or 60 days prior to passage of this Ordinance on Second Reading by the Board of Supervisors, whichever is later.

5/6/02, ASSIGNED UNDER 30 DAY RULE to Health and Human Services Committee, expires on 6/5/2002.

**020717** **[Police Department permit and license fees]**
**Mayor**

Ordinance amending the San Francisco Police Code by amending Sections 2.26 and 2.27, to adjust permit and license fees for businesses regulated under the Police Code, and by adding Section 2.31, to provide for annual adjustment of these fees to reflect changes in the Consumer Price Index. (Mayor)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

**020718** **[Raising license and other Animal Care and Control fees for dogs, cats, and other animals]**
**Mayor**

Ordinance amending the San Francisco Health Code by amending Sections 41.9, 41.10, 41.15, 41.16, 41.17, and 41.22, to raise license and other Animal Care and Control fees for dogs, cats, and other animals, and by adding Section 41.26, to provide for annual adjustment of these fees to reflect changes in the Consumer Price Index. (Mayor)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

**020719** **[Charging Street Fairs where Alcoholic Beverages are Served for Police]**
**Mayor**

Ordinance amending Traffic Code Section 806 to charge street fairs where alcoholic beverages are served the full cost of police services, rather than 40 percent of the cost, to eliminate the $2,500 cap on charges for police services for street fairs where alcoholic beverages are served, to eliminate ISCOTT's authority to waive payment of the cost of police services for street fairs where alcoholic beverages are served, and to provide for annual adjustment of these fees to reflect changes in the Consumer Price Index. (Mayor)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

**020720** **[Ambulance Fee Schedule]**
**Mayor**

Ordinance approving a fee schedule for ambulance services provided by the San Francisco Fire Department and providing for annual adjustment of these fees to reflect changes in the Consumer Price Index. (Mayor)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

**020721** **[Medical Examiner's fees]**
**Mayor**

Ordinance amending the San Francisco Administrative Code by amending Section 8.14, to adjust fees for services provided by the Medical Examiner, and to provide for annual adjustment of these fees to reflect changes in the Consumer Price Index. (Mayor)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

**020722** **[Fees Charged by the County Clerk for Various Services]**
**Mayor**

Ordinance amending the San Francisco Administrative Code by amending Sections 8.33.1, 62.8, and 62.9, to adjust fees charged by the County Clerk for various services and to provide for annual adjustment of those fees to reflect changes in the Consumer Price Index. (Mayor)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

**020723 [Setting New Fees for Inspection of Retail Food Facilities by the Health Department]**
**Mayor**

Ordinance amending the San Francisco Business and Tax Regulations Code, by amending Sections 35, 126, 248, and 249.1, setting fees for inspections of retail food facilities by the Department of Public Health in connection with licenses and permits, and authorizing the Controller to approve yearly cost-of-living adjustments in those fees. (Mayor)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

**020724 [Adding 15 Percent Charge for Administrative Overhead for Police and Street Cleaning Service to Private Parties]**
**Mayor**

Ordinance amending the San Francisco Administrative Code by amending Sections 10B.2, 10B.3, and 10B.12, to require the City to charge 15 percent for administrative overhead when it contracts with private parties to provide additional police and street-cleaning services, to prohibit the waiver of fees for additional police services except by ordinance of the Board of Supervisors, and to correct a citation to the Charter. (Mayor)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

**020725 [Police Alarm Ordinance]**
**Mayor**

Ordinance amending the San Francisco Police Code by repealing the current Article 37 (Police Emergency Alarm Ordinance), Sections 3700 though 3710, and by enacting a new Article 37 (Police Emergency Alarm Ordinance), Sections 3700 through 3722, providing for permitting of alarm systems and penalties for false alarms, and by amending Police Code Section 2.26, to set permit fees for commercial and residential alarm systems. (Mayor)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

**020745 [Fees for City Golf Courses, Day Camps, and Swimming Pools]**
**Mayor**

Ordinance amending the San Francisco Park Code by adding Sections 12.12 through 12.17, setting fees for use of City golf courses, day camps, and swimming pools, and providing for annual adjustment of these fees to reflect changes in the Consumer Price Index. (Mayor)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

## Resolutions

**020726 [Increasing Fee Charged to Participants in First Offender Prostitution Program]**
**Mayor**

Resolution approving increase in authorized fee for the First Offender Prostitution Program to $1,000. (Mayor)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

**020727 [Endorsing the Health Commission Position on Budget Cuts]**
**Supervisors Daly, McGoldrick, Gonzalez, Sandoval, Ammiano**

Resolution endorsing the position of the San Francisco Health Commission that cuts in the budget for the Department of Public Health are unwise, and urging the Mayor's Budget Office to submit a June Ist budget that includes full funding for the Health Department, including funding for "add-backs" and full funding for HIV/AIDS programs.
5/6/02, RECEIVED AND ASSIGNED to Budget Committee.

**020728 [Affordable Housing General Obligation Bonds]**
**Mayor, Supervisors Ammiano, McGoldrick, Newsom, Maxwell, Sandoval, Daly, Leno, Peskin**

Resolution determining and declaring that the public interest and necessity demand improvements in the City and County of San Francisco consisting of financing the acquisition, rehabilitation, renovation, improvement, construction, refinancing or preservation of privately-owned or leased rental and housing affordable to low- and moderate-income households, providing downpayment assistance to low- and moderate-income first time homebuyers and paying all other costs necessary and convenient for effectuating those purposes, that the estimated cost of $250,000,000 for the improvements described above is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53. (Mayor)

(Fiscal impact.)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

**020729 [Supporting a Unified San Francisco School District]**
**Supervisors Leno, Maxwell, Ammiano, Peskin, Sandoval**

Resolution supporting a unified San Francisco School District and urging educators, school administrators and community members to collaborate to improve educational opportunities for all City of San Francisco children.
5/6/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020730 [Assembly Bill 1421-Involuntary Mental Health Treatment]**
**Supervisor Newsom**

Resolution urging the California State Legislature to adopt and Governor Gray Davis to sign Assembly Bill (AB) 1421, which would establish an Assisted Community Treatment Program (AOT) model in California, provide court-ordered intensive outpatient mental health services for persons suffering from psychotic disorders and severe mental illness as well as establish Assertive Community Treatment programs (ACT) in California and establish the legal option through Settlement Agreements which provides the option to voluntarily participate in an ACT programs.
5/6/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020731** **[Senate Bill 1751-Mandatory Homeless Death Count Reporting]**
**Supervisors Newsom, Daly**

Resolution urging the California State Legislature to adopt and Governor Gray Davis to sign Senate Bill (SB) 1751 authored by State Senator John Burton, which would mandate local municipalities to report the deaths of homeless persons for each calendar year, institute the creation of a state homeless death count and providing public access to said information.
5/6/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020732** **[BART Parking-Implement Parking Charges to Balance BART's Budget.]**
**Supervisors Daly, Gonzalez**

Resolution urging the Bay Area Rapid Transit District to adopt parking charges, rather than increase fares or cut back service, if additional revenues are necessary to balance BART's operating budget.
5/6/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020733** **[Proclamation]**
**Supervisors Ammiano, Daly**

Resolution in support of the May 8, 2002 Legislative Action March to Sacramento and proclaiming May 8, 2002 as "National Day of the Teachers."
5/6/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020734** **[Honoring Lou Harrison]**
**Supervisor Ammiano**

Resolution honoring Mr. Lou Harrison on the occasion of his 85th Birthday.
5/6/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020735** **[Commending Treasured Composer Lou Harrison]**
**Supervisor Leno**

Resolution commending treasured Bay Area composer Lou Harrison and declaring May 14, 2002 Lou Harrison Day in San Francisco.
5/6/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020736** **[Commending devorah major]**
**Supervisors Leno, Gonzalez, Daly**

Resolution commending poet-novelist-educator devorah major as San Francisco's third Poet Laureate.
5/6/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020737 [Commending City College]**
**Supervisors Sandoval, Hall**

Resolution commending Chancellor Phillip Day and the City College of San Francisco Board of Trustees for establishing the Latina/o Service Center.
5/6/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020738 [Commending Cherie M. Querol Moreno]**
**Supervisor Sandoval**

Resolution commending Cherie M. Querol Moreno for receiving the KQED Asian Pacific American Heritage Month award honoring her outstanding work as publisher and editor-in-chief of the Philippine News.
5/6/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020739 [Commending the Asian Liver Center and the Jade Ribbon Campaign]**
**Supervisors Peskin, Sandoval**

Resolution commending the Asian Liver Center at Stanford University and the Jade Ribbon Campaign for spearheading education, outreach, and advocacy efforts to spread awareness about Hepatitis B and liver cancer prevention in the Bay Area's Asian and Pacific Islander community.
5/6/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020740 [Commending the S.F. Beacon Initiative]**
**Supervisors Newsom, Sandoval**

Resolution commending the San Francisco Beacon Initiative, all eight of the Beacon Centers and their staff for planning a successful "San Francisco Beacon Centers Fun Day" on May 11, 2002 at the Lindley Meadows in Golden Gate Park.
5/6/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020741 [Tammy Haygood]**
**Supervisor Yee**

Request for hearing regarding the termination of employment of Tammy Haygood.
5/6/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020742 [Streetlighting in San Francisco]**
**Supervisor Sandoval**

Hearing to address streetlighting in San Francisco.
5/6/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020743** **[Budget Review]**
**Supervisor Peskin**

Hearing to discuss the Budget Committee's instructions to the Board's Budget Analyst regarding its upcoming June budget review.

The hearing will address (1) Supervisor Peskin's request for more detailed examination and recommendations regarding positions, whether vacant or filled; (2) Budgetary proposals raised by the Budget Committee that have fiscal implications in next year's budget; (3) A possible threshold under which the most minor departments would not be reviewed in detail by the Budget Analyst's Office in order to prioritize analysis of larger departments; and (4) Any other specific directions for budget review.
5/6/02, RECEIVED AND ASSIGNED to Budget Committee.

**020744** **[Racial Privacy Initiative]**
**Supervisor Maxwell**

Hearing on the proposed California ballot measure entitled the "Racial Privacy Initiative". The hearing will focus on the local impacts of the measure, and specifically on how it would impact the City's ability to ensure equal access to local services, craft programs to meet special needs, and enforce its non-discrimination policies
5/6/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Sponsor requests receipt of reports on the measure's impacts from numerous City departments, including the Department of Public Health, Human Rights Commission, and the San Francisco Unified School District.

**020746** **[Reporting Competitive Solicitations to Purchaser]**
**Supervisor Sandoval**

Hearing to discuss the creation of a centralized Purchasing web site where City departments are required to report competitive solicitations.
5/6/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

## Motions

**020712** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
5/6/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Introduced by the President at the Request of Departments

# PROPOSED ORDINANCES

None.

## PROPOSED RESOLUTIONS

020665 **[Conveyance of Water Pipeline Easement in Exchange for 2.5 Acres in San Mateo County]**

Resolution approving and authorizing the conveyance of a water pipeline easement in exchange for approximately 2.5 acres in San Mateo County; adopting findings that the exchange is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

(Public Benefit Recipient)
4/30/02, RECEIVED AND ASSIGNED to Finance Committee.

020669 **[Approving Implementation Plan of the Substance Abuse and Crime Prevention Act of 2000]**
**Supervisors Daly, Newsom**

Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 for Fiscal Year 2002-2003. (Public Health Department)
5/1/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Department requests this item be calendared at the May 16, 2002 meeting.

**020705** **[Parking Regulations, Various Locations]**
Resolution enacting and rescinding parking regulations at various locations.

NO PARKING ANYTIME - ESTABLISH
Geneva Avenue, south side, from Louisburg Street to 18 feet westerly (18-foot zone).

RESIDENTIAL PERMIT PARKING AREA "W" (1-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
22nd Street, both sides, between Bryant and York Streets (2700 block).

NO PARKING ANYTIME - RESCIND
Anderson Street, south terminus, in front of 798 Anderson Street.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Anderson Street, south terminus, in front of 798 Anderson Street.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
4th Avenue, east side, from 120 feet to 130 feet south of Cornwall Street, in front of 216 - 4th Avenue.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Mendell Street, west side, from 93 feet to 137 feet south of Oakdale Avenue.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Mendell Street, east side, from 3rd Street to 112 feet northerly.

NO PARKING ANYTIME - ESTABLISH
Congo Street, north side, from Bosworth to 40 feet westerly.

NO PARKING ANYTIME - ESTABLISH
Bacon Street, north side, from the west property line of Bowdoin Street to 42 feet easterly.

NO PARKING ANYTIME - ESTABLISH
Holyoke Street, east side from Campbell Street to 40 feet southerly.

NO PARKING ANYTIME - RESCIND
Mojave Street, between Bradford Street and Peralta Avenue, both sides.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Mojave Street, both sides, between Bradford Street and Peralta Avenue.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Folsom Street, north side, from 2nd Street to 140-feet easterly (removes five meters).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Folsom Street, north side, from 3rd Street to 140-feet easterly (removes two meters).

METERED MOTORCYCLE PARKING - ESTABLISH
Hyde Street, west side, from 2 feet to 30 feet south of Ellis Street, in front of 359 Hyde Street (replacing meter #329 and adjacent red zone with eight motorcycle stalls).

METERED COMPACT PARKING STALL - ESTABLISH
10th Street, west side, from 180 feet to 195 feet north of Harrison Street, in front of 360 10th Street (at Meter #342).

UNMETERED COMPACT PARKING STALL - ESTABLISH
17th Street, south side, from 8 feet to 23 feet east of Shotwell Street, (15-foot zone in front of 3141 17th Street, accommodating one compact stall).

NO PARKING ANYTIME - RESCIND
Charter Oak Avenue, east side, from Helena Street up to and including the south terminus (including frontage along I-280 freeway).

NO PARKING ANYTIME - ESTABLISH
Charter Oak Avenue, east side, from Helena Street to the south terminus.

1-HOUR PARKING - ESTABLISH
Jessie Street, south side, between Mint and 6th Streets (Parking and Traffic Department)

(DPT Order No. 2422.)
5/1/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020706 [Traffic Regulations, Various Streets]**
**Supervisor Newsom**

Resolution enacting and rescinding traffic regulations on various streets.

MUNI BUS ZONES - ESTABLISH
North Point Street, south side, from The Embarcadero to 80 feet westerly (80-foot zone near-side zone) (this legislatively reinstates a bus zone that was never physically removed).

NO LEFT TURN, 7 A.M. - 9 A.M. AND 4 P.M. - 6 P.M., MONDAY THROUGH FRIDAY- ESTABLISH
Geneva Avenue, both directions at Paris Street.

NO RIGHT TURN - RESCIND
Bayshore Boulevard, southbound, onto Arleta Way.

BUS ZONE - RESCIND
Folsom Street, south side, from 3rd Street to 80-feet easterly (Bus zone will be relocated to new boarding island).

BUS ZONE - RESCIND
Folsom Street, south side, from 2nd Street to 100-feet westerly. (Bus zone will be relocated to new boarding island).

TOW-AWAY, NO STOPPING ANYTIME FROM 3 PM - 7 PM, EVERYDAY - ESTABLISH
Masonic Avenue, west side, form 150 feet to 300 feet north of Geary Boulevard.

STOP SIGNS - ESTABLISH
Jerrold Avenue and Napoleon Street, stopping Napoleon Street, the stem of the T-intersection at Jerrold Avenue, making this uncontrolled T-intersection a one-way STOP.

STOP SIGNS - ESTABLISH
Loomis Street and Oakdale Avenue, stopping Oakdale Avenue at Loomis Street, making this intersection an all-way STOP.

STOP SIGNS - ESTABLISH
31st Aveune and Quintara Street, stopping 31st Avenue and Quintara Street, making this intersection an all-way STOP.

TOW-AWAY, NO STOPPING, 7 AM to 9 AM, MONDAY THROUGH FRIDAY - ESTABLISH
McAllister Street, south side from Van Ness Avenue to 125 feet westerly. (affects meters # 501, 503, 505, 507, 509 & 511).

STOP SIGNS - ESTABLISH
32nd Avenue at Pacheco Street, stopping 32nd Avenue, making this intersection an all-way STOP. (Parking and Traffic Department)

(DPT Order No. 2422.)
5/1/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

## PROPOSED MOTIONS

020670 **[Board Off-site Meetings]**
**Supervisor Ammiano**

Motion ordering the City and School District Committee meeting of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on June 19, 2002 at 3:00 P.M.; and directing the Clerk of the Board to prepare the proper notices and postings.
5/1/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

## Requests Granted

*From: Supervisor Gonzalez*
*To: Public Defender*
*Requesting/Inquiring: To convey information regarding felony caseloads of attorneys. For each Felony Attorney, break down the number of regular felony cases, number of serious felony cases, and number of probation violation cases, not including matters set for progress report, diversional drug court matters, or cases awaiting sentencing; including the number of pending cases in preliminary hearing courts divided between open cases and those awaiting sentencing, not including diversion matters. The report should reflect the current status as of May.*

*From: Supervisor Maxwell*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation to prohibit the issuance of liquor licenses along Third Street.*

*From: Supervisor Peskin*
*To: Director, Department of Public Health*
*Requesting/Inquiring: To report on efforts being undertaken by the City to prevent Hepatitis B within the local Asian and Pacific Islander population, and whether additional programs are necessary to screen, educate and provide vaccines to local residents to protect against Hepatitis B.*

*From: Supervisor Peskin*
*To: City Attorney*
*Requesting/Inquiring: To research whether either industrial guidelines regarding noise or the City's Noise Ordinance apply to the Waterfront Pavilion Organ, a community-based project to improve open space along the Embarcadero.*

*From: Supervisor Peskin*
*To: Budget Analyst*
*Requesting/Inquiring: To report on the cost of a comprehensive management audit of the San Francisco Airport to be completed within one year's time. To provide a copy of the cost estimate to all members of the Board of Supervisors' Budget Committee.*

*From: Supervisor Hall*
*To: Director, Department of Real Estate*
*Requesting/Inquiring: To provide a complete listing of all City-owned properties within District 7; including which City department has maintenance responsibilities for each parcel.*

*From: Supervisor Hall*
*To: Director, Department of Public Works*
*To: General Manager, Public Utilities Commission*
*Requesting/Inquiring: To report on the proposed figure in fiscal year 2002/03 budget for maintenance of public property; specifically, open space areas and median strips. Did either department expend funds on the maintenance of property on the east side of Junipero Serra Blvd. running from Holloway to Ocean Avenue?*

*From: Supervisor Hall*
*To: Director, Department of Public Works*
*Requesting/Inquiring: To report on the status of the $150,000 median strip pilot program in District 7, and what plans the Department of Public Works has for expanding this program into other areas of the City.*

*From: Supervisor Hall*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: To report on the feasibility of installing a stop sign at the corner of Yerba Buena and Miraloma.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Dorinda Ottey (Supervisors Yee, Daly)*

## ADJOURNMENT

*There being no further business, the Board at the hour of 6:41 p.m adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on July 15, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

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# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.
NOV - 1 2002
SAN FRANCISCO
PUBLIC LIBRARY

**Monday, May 13, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

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*TOM AMMIANO, PRESIDENT*
*CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,*
*SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,*
*AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE*
*Gloria L. Young, Clerk of the Board*

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Ammiano | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair. Second-named Supervisor/Commissioner is Vice-Chair. of the Committee.

Volume 97 Number 19

| | |
|---|---|
| **Members Present:** | Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee. |
| **Members Absent:** | Gavin Newsom. |

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:01 p.m. On call of the roll, the following Supervisor was noted absent:*

*Supervisor Newsom - 1.*

*Quorum present.*

*Supervisor Newsom was excused from attendance. (See infra)*

### Supervisor Newsom Excused from Attendance

**Supervisor Leno, seconded by Supervisor McGoldrick, moved to excuse Supervisor Newsom from attending today's meeting. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

### Privilege of the Floor

**Supervisor McGoldrick, seconded by Supervisor Yee, moved to suspend Rule 4.28 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guest. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

### Introduction of Guest

*Supervisor McGoldrick introduced, welcomed and presented a Certificate of Honor to Malika Oufkir for her work in human rights.*

## AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*There were none.*

# CONSENT AGENDA

## Recommendations of the Finance Committee

**020468** **[MOU Amendment No. 4, SEIU, AFL-CIO Locals 250, 535, and 790]**

Ordinance adopting and implementing Amendment No. 4 to the 2000-2003 Collective Bargaining Agreement between the City and County of San Francisco and the Service Employees International Union, AFL-CIO, Locals 250, 535 and 790 by amending Article IV.D (Additional Compensation and Premium Pay) to provide for POST and/or Educational Premium pay for employees assigned to classification 2580 (Medical Examiner Investigator). (Human Resources Department)

**Ordinance No.** 80-02
**FINALLY PASSED**

**020475** **[Appropriation - City Attorney Affirmative Litigation Program]**
**Supervisor Daly**

Ordinance appropriating, retroactively, $508,673 from the code enforcement settlement on 351 California Street and $442,741 from the reserve for the Hanlon Arbitration Award, for a total of $951,414, for the Affirmative Litigation Program in the City Attorney's Office in fiscal year 2001-02. (Controller)

(Fiscal impact.)

**Ordinance No.** 81-02
**FINALLY PASSED**

## Recommendation of the Health and Human Services Committee

**011448** **[Internet Services Exchange]**
**Supervisors Maxwell, Daly, Leno, McGoldrick**

Ordinance amending the San Francisco Planning Code by amending Sections 209.6, 790.80 and 890.80 to define Internet Services Exchange as a new use within the utility installation use category; by amending Sections 178, 227, 234.2, 303, 817, 818, 907, 908, 912, and 913 to establish a requirement for a conditional use authorization for Internet Services Exchanges; by amending Section 204 to include certain Internet Service Exchanges as an accessory use; and adopting findings.

(Planning Commission Resolution No. 16265 adopted 10/25/01 recommending approval. Certificate of Exemption/Exclusion from Environmental Review dated 10/18/01; revised Exemption/Exclusion from Environmental Review dated 11/21/01)

**Ordinance No.** 77-02
**FINALLY PASSED**

## Recommendation of the Transportation and Commerce Committee

012132 **[Garcia and Maggini Warehouse as a Landmark]**
**Supervisors Maxwell, Peskin, Sandoval, McGoldrick, Daly, Leno, Newsom**

Ordinance designating 128 King Street, the Garcia and Maggini Warehouse, as Landmark No. 229 pursuant to Article 10, Sections 1004 and 1004.4 of the Planning Code.

**Ordinance No.** 79-02
**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

## Severed from Consent Agenda

## Recommendation of the Finance Committee

020535 **[Unrepresented Employees]**
**Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2002. (Mayor)

(Fiscal impact.)

*Supervisor Ammiano requested this matter be severed so it could be considered separately.*

*Supervisor Ammiano requested this item be continued to May 20, 2002.*
**Supervisor Leno, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED ON FINAL PASSAGE. The motion carried by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

# UNFINISHED BUSINESS

## Recommendations of the Finance Committee

**020464** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by New Times, Inc., San Francisco Newspaper Printing Company, Inc., Gannett Satellite Information Network, Inc., The New York Times Company, San Jose Mercury News, Inc., Los Angeles Times, Dow Jones & Company, Inc., Bay Guardian Company, Inc., and United Advertising Publications, Inc. against the City and County of San Francisco for $85,000; the lawsuit was filed on January 5, 1999, in the United States District Court for the Northern District of California, Case No. C-99-0020 (WHA); entitled New Times, Inc., et al., v. City and County of San Francisco, et al.; other material terms of said settlement are the City's amendment of San Francisco Public Works Code Section 184.12, the Director of Public Works' promulgation of amended guidelines, and the City's approval of the First Amended and Restated Pedestal-Mounted Newsrack Agreement by and between the City and County of San Francisco and Clear Channel Adshel, Inc. (City Attorney)

(Companion measure to Files 020465, 020466.)
(Supervisor Daly dissenting in Committee.)

**Ordinance No.** 74-02

**FINALLY PASSED by the following vote:**

Ayes: 7 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee
Noes: 3 - Daly, Gonzalez, Sandoval
Absent: 1 - Newsom

**020465** **[Regulation of Newsracks; Amendment of Fixed Pedestal Newsrack Program]**

Ordinance amending the San Francisco Public Works Code, Article 5.4, by repealing the existing Section 184.12 and enacting a new Section 184.12 regulating the placement and maintenance of newsracks on public streets, sidewalks and rights-of-way to prohibit freestanding newsracks in specified areas of the City, authorizing the creation of fixed pedestal zones in specified areas of the City, and authorizing the Director of Public Works to select and enter into agreements with vendors to provide and maintain fixed pedestal newsracks. (City Attorney)

(Supervisor Daly dissenting in Committee.)

**Ordinance No.** 75-02

**FINALLY PASSED by the following vote:**

Ayes: 7 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee
Noes: 3 - Daly, Gonzalez, Sandoval
Absent: 1 - Newsom

**020466** **[Contract - CCSF and Clear Channel Adshel, Inc.]**

Ordinance approving the First Amended and Restated Pedestal-Mounted Newsrack Agreement By and Between the City and County of San Francisco and Clear Channel Adshel, Inc., which allows for the provision, installation, and maintenance of pedestal-mounted newsracks on public property; approving an indemnification of the contractor by the City for specified claims initiated by publishers or other specified claimants, concerning the fixed pedestal program, the fixed pedestal units, their operation, or the agreement with Clear Channel Adshel, Inc., and for specified claims including bodily injury or property damage arising from the City's performance of said agreement; and authorizing the Director of the Department of Public Works to make changes to the Department of Public Works Director's Orders incorporated by reference in the agreement with Clear Channel Adshel, Inc. (City Attorney)

(Supervisor Daly dissenting in Committee.)

**Ordinance No.** 76-02

**FINALLY PASSED by the following vote:**

Ayes: 7 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee
Noes: 3 - Daly, Gonzalez, Sandoval
Absent: 1 - Newsom

020494 **[Parking Meter Management System]**
**Supervisor Ammiano**

Resolution authorizing the Executive Director of the Department of Parking and Traffic to execute an agreement between the City and County of San Francisco and Serco Management Services, Inc. for a Parking Meter Management System.

(Fiscal impact.)
(Supervisor Daly dissenting in Committee.)

**Resolution No.** 305-02
**ADOPTED by the following vote:**
Ayes: 8 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 2 - Daly, Gonzalez
Absent: 1 - Newsom

020495 **[Certification of Lower Cost of Services]**
**Supervisor Ammiano**

Resolution concurring with the Controller's certification that a proposed agreement with Serco Management Services, Inc. for a Parking Meter Management System which includes collection and coin counting services, can practically be performed by a private contractor for a lower cost than similar services performed by City and County employees.

(Fiscal impact; Companion measure to File 020494.)
(Supervisor Daly dissenting in Committee.)

**Resolution No.** 306-02
**ADOPTED by the following vote:**
Ayes: 8 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 2 - Daly, Gonzalez
Absent: 1 - Newsom

## Recommendation of the Transportation and Commerce Committee

012131 **[Ramped Taxi]**
**Supervisors Maxwell, McGoldrick**

Ordinance amending Section 1148.1 of the Police Code to reduce, from five to three years, the time after receipt of a ramped taxi permit that the permittee is precluded from accepting a different motor vehicle for hire permit; and requiring six months' notice of the permittee's intent to leave the ramped taxi program.

**Ordinance No.** 78-02
**FINALLY PASSED by the following vote:**
Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

## Appointment of President Pro Tempore

*At the request of the President, Supervisor Peskin assumed the Chair.*

# NEW BUSINESS

## Recommendations of the Finance Committee

**011716** **[Airport Trip Fee Pass Through]**
**Supervisors Daly, Newsom**

Ordinance amending the San Francisco Police Code by amending Article 16, Section 1135 (a) to allow taxicab drivers to collect a $2.00 pass through fee from passengers when a trip fee is incurred at San Francisco International Airport. (Airport Commission)

*Supervisor Daly requested to be added as sponsor.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 8 - Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 1 - Hall
Absent: 2 - Ammiano, Newsom

*The President resumed the Chair shortly thereafter.*

**020241** **[2002 Annual Joint Fundraising Drive]**

Resolution designating those agencies qualified to participate in the 2002 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

**Resolution No.** 309-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

**020538** **[Amending District Attorney's Revolving Loan Funds from State Board of Control]**

Resolution authorizing the District Attorney to amend the current agreement in the amount of $75,000 which has been allocated from the Victim Compensation and Governing Claims Board (formerly known as the State Board of Control), an agent of the State of California, for a revolving loan fund to be used to pay for verified funeral/burial expenses and emergency relocation for victims of domestic violence and sexual assault. (District Attorney)

**Resolution No.** 310-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

**020640 [Historical Property Contract for 460 Bush Street - Fire Department Old Station No. 2]**
**Supervisor Peskin**

Resolution under Chapter 71 of the San Francisco Administrative Code, approving an historical property contract between Alice Ross Carey, the owner of San Francisco Landmark No. 143 located at 460 Bush Street (Fire Department Old Station No. 2) and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract.

Resolution No. 312-02

**ADOPTED by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 2 - Hall, Newsom

**020664 [Reserved Funds, SF LAFCO]**

Motion releasing $125,000 placed on Board of Supervisors Reserve for the San Francisco Local Agency Formation Commission (SF LAFCO) to pay for energy consulting services and legal serivces.

Motion No. M02-72

**APPROVED by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 2 - Hall, Newsom

## From Finance Committee Without Recommendation

**020486 [Supplemental Appropriation, Department of Elections]**

Ordinance appropriating $1,981,180 of the General Reserve to fund other current expenses and materials and supplies for the Department of Elections for fiscal year 2001-02.

**PASSED ON FIRST READING by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Noes: 1 - McGoldrick
Absent: 1 - Newsom

## Recommendations of the Public Works and Public Protection Committee

**020639 [Grant - Mayor's Criminal Justice Council]**
**Mayor**

Resolution authorizing the Mayor's Criminal Justice Council (MCJC) to accept and expend funds in the amount of $2,651,098 from the State Board of Corrections, from funds made available through Senate Bill 736 - known as the Juvenile Justice Crime Prevention Act (JJCPA), for programs and approaches that have been demonstrated to be effective in reducing delinquency. (Mayor)

(Public Benefit Recipient)

Resolution No. 311-02

**ADOPTED by the following vote:**
Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Peskin, Sandoval, Yee
Absent: 2 - Maxwell, Newsom

## Recommendations of Rules and Audits Committee

**020412** **[City to Pay for Postage of Absentee Ballots]**
**Supervisors Daly, Sandoval, Leno, Newsom**

Ordinance amending the Municipal Elections Code to require that San Francisco pay for postage of absentee ballots cast by San Francisco voters.

(Fiscal impact.)

*Supervisor Peskin requested this matter referred to the Elections Commission.*
*No objection and Clerk directed to comply.*

*Supervisor Leno requested to be added as co-sponsor.*

*Supervisor Ammiano requested this matter be continued to June 10, 2002.*

**Supervisor Peskin, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED ON FIRST READING. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, McGoldrick, Peskin, Sandoval, Yee
Absent: 2 - Maxwell, Newsom

**020024** **[SFUSD Compliance with the Sunshine Ordinance]**
**Supervisor Yee**

Resolution urging that the San Francisco Board of Education require the San Francisco Unified School District, its officers and employees, including the Board of Education members to abide by the provisions of the San Francisco Sunshine Ordinance, Chapter 67 of the San Francisco Administrative Code.

**Resolution No.** 308-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

**020630** **[Appointment]**

Motion appointing one person to the Ethics Commission, term to be determined, to be chosen from the following applicants: Victor M. Hwang, Josh Kauffman, Barbara Wood, or Michael Garcia.

(5/7/02: The Committee recommends the Board appoint Michael Garcia, Seat 1.)

**Supervisor Hall, seconded by Supervisor Gonzalez, moved to amend the legislation to appoint Michael Garcia to the Ethics Commission. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 1 - Daly
Absent: 1 - Newsom

Motion appointing Michael Garcia, term to be determined, to the Ethics Commission.

**Motion No.** M02-73

**Supervisor Hall, seconded by Supervisor Gonzalez, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 9 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 1 - Daly
Absent: 1 - Newsom

020701 **[Amending Rule 6.15 of the Rules of Order, Supervisors Appointment to Second Outside Board or Commission]**
**Supervisors Gonzalez, Daly**

Motion amending Rule 6.15 of the Rules of Order of the Board of Supervisors to provide that before a Supervisor may be appointed to a second outside Board or Commission (excluding the San Francisco LAFCO and the Transportation Authority) every other Supervisor shall have been given the opportunity to serve on at least one outside Board or Commission.

(5/7/02: Supervisor Sandoval dissenting in Committee.)

*Amendments to the Rules of Order requires an affirmative recorded vote of two-thirds of the Board.*

*Supervisor Sandoval, seconded by Supervisor Yee, moved to amend to provide an effective date of January 8, 2003 for the rule change.*

*Motion to amend failed adoption by the following vote:*
*Ayes: 4 - Ammiano, Maxwell, Sandoval, Yee.*
*Noes: 6 - Daly, Gonzalez, Hall, Leno, McGoldrick, Peskin.*
*Absent: 1 - Newsom.*

*Supervisor Daly requested to be added as co-sponsor.*

*The roll was then called on the main motion.*
**NOT APPROVED by the following vote:**
Ayes: 7 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin
Noes: 3 - McGoldrick, Sandoval, Yee
Absent: 1 - Newsom

## PUBLIC COMMENT

*Abdullah Megahed, homelessness;*
*John Abigana, justice not revenge;*
*George Pitotos, Mary McAllister, Carol Arnold, female speaker, Sherri Franklin, male speaker, Lindsay Kefaiver, Karin Hu, Victoria Lance, Steven Golub, Wendy Fang, Christi Kim, Francine, Louise, Pat Smiley, Sharan Mahoney, Linda Allen, Andrea Patterson, Martin Darsky, Wendy McClure, David Cullic, Lisa Vittori, Felton George, concerning Recreation and Park dog policies;*
*Victor Veysey, bike to work.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**020731 [Senate Bill 1751-Mandatory Homeless Death Count Reporting]**
**Supervisors Newsom, Daly**

Resolution urging the California State Legislature to adopt and Governor Gray Davis to sign Senate Bill (SB) 1751 authored by State Senator John Burton, which would mandate local municipalities to report the deaths of homeless persons for each calendar year, institute the creation of a state homeless death count and providing public access to said information.

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 314-02
**ADOPTED**

**020732 [BART Parking-Implement Parking Charges to Balance BART's Budget]**
**Supervisors Daly, Gonzalez**

Resolution urging the Bay Area Rapid Transit District to adopt parking charges, rather than increase fares or cut back service, if additional revenues are necessary to balance BART's operating budget.

**Resolution No.** 324-02
**ADOPTED**

**020733 [Proclamation]**
**Supervisors Ammiano, Daly**

Resolution in support of the May 8, 2002 Legislative Action March to Sacramento and proclaiming May 8, 2002 as "National Day of the Teachers."

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 315-02
**ADOPTED**

**020734 [Honoring Lou Harrison]**
**Supervisor Ammiano**

Resolution honoring Mr. Lou Harrison on the occasion of his 85th Birthday.

**Resolution No.** 316-02
**ADOPTED**

**020735 [Commending Treasured Composer Lou Harrison]**
**Supervisor Leno**

Resolution commending treasured Bay Area composer Lou Harrison and declaring May 14, 2002 Lou Harrison Day in San Francisco.

**Resolution No.** 317-02
**ADOPTED**

020737 **[Commending City College]**
**Supervisors Sandoval, Hall**

Resolution commending Chancellor Phillip Day and the City College of San Francisco Board of Trustees for establishing the Latina/o Service Center.

*Supervisor Hall requested to be added as co-sponsor.*
**Resolution No.** 319-02
**ADOPTED**

020738 **[Commending Cherie M. Querol Moreno]**
**Supervisor Sandoval**

Resolution commending Cherie M. Querol Moreno for receiving the KQED Asian Pacific American Heritage Month award honoring her outstanding work as publisher and editor-in-chief of the Philippine News.

**Resolution No.** 320-02
**ADOPTED**

020739 **[Commending the Asian Liver Center and the Jade Ribbon Campaign]**
**Supervisors Peskin, Sandoval**

Resolution commending the Asian Liver Center at Stanford University and the Jade Ribbon Campaign for spearheading education, outreach, and advocacy efforts to spread awareness about Hepatitis B and liver cancer prevention in the Bay Area's Asian and Pacific Islander community.

*Supervisor Sandoval requested to be added as co-sponsor.*
**Resolution No.** 321-02
**ADOPTED**

020740 **[Commending the S.F. Beacon Initiative]**
**Supervisors Newsom, Sandoval**

Resolution commending the San Francisco Beacon Initiative, all eight of the Beacon Centers and their staff for planning a successful "San Francisco Beacon Centers Fun Day" on May 11, 2002 at the Lindley Meadows in Golden Gate Park.

*Supervisor Sandoval requested to be added as co-sponsor.*
**Resolution No.** 322-02
**ADOPTED**

020712 **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M02-74
**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Peskin, Sandoval, Yee
Absent: 2 - McGoldrick, Newsom

## Severed From For Adoption Without Committee Reference

**020729** **[Supporting a Unified San Francisco School District]**
**Supervisors Leno, Maxwell, Ammiano, Peskin, Sandoval**

Resolution supporting a unified San Francisco School District and urging educators, school administrators and community members to collaborate to improve educational opportunities for all City of San Francisco children.

*Supervisor Yee requested this matter be severed so it could be considered separately.*

*Supervisor Sandoval requested to be added as co-sponsor.*

*Supervisor Yee requested this item be referred to committee.*
**REFERRED to the Neighborhood Services and Recreation Committee.**

**020730** **[Assembly Bill 1421-Involuntary Mental Health Treatment]**
**Supervisor Newsom**

Resolution urging the California State Legislature to adopt and Governor Gray Davis to sign Assembly Bill (AB) 1421, which would establish an Assisted Community Treatment Program (AOT) model in California. provide court-ordered intensive outpatient mental health services for persons suffering from psychotic disorders and severe mental illness as well as establish Assertive Community Treatment programs (ACT) in California and establish the legal option through Settlement Agreements which provides the option to voluntarily participate in an ACT programs.

*Supervisor Ammiano requested this matter be severed so it could be considered separately.*

*Supervisor Ammiano requested this item be referred to committee.*
**REFERRED to the Health and Human Services Committee.**

**020736** **[Commending devorah major]**
**Supervisors Leno, Gonzalez**

Resolution commending poet-novelist-educator Devorah Major as San Francisco's third Poet Laureate.

*Supervisor Leno requested this matter be severed so it could be considered separately.*

*Supervisor Leno requested the name of "devorah major" be amended to lower case.*
**Supervisor Leno, seconded by Supervisor McGoldrick, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

*Supervisor Daly requested to be added as co-sponsor.*

Resolution No. 318-02

**ADOPTED AS AMENDED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

# IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Leno, seconded by Supervisor Maxwell, moved ADOPTION of the commendatory finding. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Leno, seconded by Supervisor Maxwell, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

## Imperative Agenda

**020780 [Declaring Stop for Kids Safety Week]**
**Supervisors Leno, McGoldrick**

Resolution commending Marie Williams for ten years of service on behalf of pedestrian and bicycle safety and declaring May 18th through May 25th Stop for Kids Safety Week in San Francisco.

*Supervisor Leno presented for immediate adoption.*

*Supervisor McGoldrick requested to be added as co-sponsor.*

**Resolution No.** 323-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

**020781 [Remembering those who have died homeless]**
**Supervisors Leno, Maxwell, McGoldrick**

Resolution remembering the hundreds of people who have died on the San Francisco streets and declaring May 19, 2002 as "a day of love and sorrow, remember(ing) more than 77 men, women and children who died homeless in San Francisco in 2001."

*Supervisor Leno presented for immediate adoption.*

*Supervisors Maxwell, McGoldrick requested to be added as co-sponsor.*

**Resolution No.** 325-02

**ADOPTED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Absent: 1 - Newsom

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**020782 [Planning Code Amendment - South of Market SUD Amendments]**
**Supervisor Daly**

Ordinance amending Planning Code Sections 803.5 and 822 to include union halls as permitted principal uses in the South of Market Special Hall of Justice Legal Services District, to include Assessor's Block 3780 Lots 1 and 2 as part of the South of Market Special Hall of Justice Legal Services District, and to correct citations and zoning map page number references; amending Zoning Map Sheet 8SU of the City and County of San Francisco to include Lots 1 and 2 in Assessor's Block 3870 as part of the South of Market Special Hall of Justice Legal Services District; and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

5/13/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 6/12/2002. 5/24/02 - Transmitted to Planning Commission for public hearing and recommendation.

020783 **[Establishing the San Francisco Entertainment Commission]**
**Supervisors Leno, McGoldrick, Daly**

Ordinance: (1) amending the San Francisco Administrative Code to add a new Chapter 90 establishing the San Francisco Entertainment Commission; (2) providing for assistance from the Police Department to the Entertainment Commission for the transfer of specified permitting and licensing functions from the Police Department to the Entertainment Commission; (3) amending Article 1 of the San Francisco Police Code (i) relative to renewals of permits and licenses generally, and (ii) to transfer permitting responsibility for the use of loudspeakers or sound amplifying equipment outside buildings or out of doors from the Police Department to the Entertainment Commission; (4) amending Article 15 of the San Francisco Police Code to transfer licensing responsibility for amusements from the Police Department to the Entertainment Commission; (5) amending Article 15.1 of the San Francisco Police Code to transfer permitting responsibility for Places of Entertainment from the Police Department to the Entertainment Commission; and (6) amending Article 15.2 of the San Francisco Police Code to transfer permitting responsibility for Extended Hours Premises from the Police Department to the Entertainment Commission.

(Fiscal impact.)
5/13/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020784 **[Resource Conservation - Batteries]**
**Supervisor Sandoval**

Ordinance amending the Resource Conservation Ordinance, Chapter 21A of the Administrative Code, to require the purchase and use of rechargeable batteries by City departments and to require other practices that will increase battery recycling by the City.
5/13/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 6/13/2002.

020785 **[City Hall Event License Fee Waivers for Non-Profit Organizations]**
**Supervisors Sandoval, Daly, Gonzalez**

Ordinance amending Section 4.1-2 of the San Francisco Administrative Code to allow each member of the Board of Supervisors to designate one tax exempt, non-profit organization or government agency per calendar year as recipient of a fee waiver for a City Hall Short Term License for a special event in City Hall.

(Fiscal impact.)
5/13/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 6/12/2002.

020786 **[Multiple Languages in Building and Planning Code Neighborhood Notes]**
**Supervisor Yee**

Ordinance amending the San Francisco Building Code by adding Sections 104.6 through 104.6.3 and amending the San Francisco Planning Code by adding Section 306.10 to require publication of a cover sheet with neighborhood notices advising how to request information about the notices in multiple languages and making findings.
5/13/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 6/12/2002. 5/23/02, Referred to Building Inspection Commission and Planning Commission for comments and review.

**011498** **[Identification and Use of Surplus City Property for Housing]**
**Supervisor Daly**

Draft ordinance adding San Francisco Administrative Code Chapter 23A to identify unutilized and underutilized public buildings and real property for housing uses.

~~8/13/01, RECEIVED AND ASSIGNED to Rules Committee.~~

1/28/02, TRANSFERRED to Rules and Audits Committee. Transferred pursuant to new committee structure.

5/13/02, SUBSTITUTED. Supervisor Daly submitted a draft substitute ordinance bearing new title.

5/13/02, ASSIGNED to Rules and Audits Committee.

## Resolutions

**020753** **[Efficient Delivery of Homeless Services]**
**Supervisor Daly**

Resolution supporting efficient delivery of the City's services for homeless and marginally housed individuals and families.

5/13/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Sponsor requests this item be scheduled for consideration on May 16, 2002 meeting.

**020754** **[City Resource Center on 6th Street]**
**Supervisors Daly, Leno, Ammiano**

Resolution urging the Department of Health and Human Services to develop a plan to establish a City Resource Center on 6th Street.

5/13/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Sponsor requests this item be scheduled for consideration on May 16, 2002 meeting.

**020788** **[Appointing Shirley Breyer Black to the MTA Board of Directors]**
**Mayor, Supervisor Newsom**

Resolution confirming the appointment of Shirley Breyer Black to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2006. (Mayor)

5/13/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020789** **[Appointing Rev. Dr. James McCray, Jr. to the MTA Board of Directors]**
**Mayor, Supervisor Newsom**

Resolution confirming the appointment of Rev. Dr. James McCray, Jr. to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2006. (Mayor)

5/13/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020790** **[Stop Sign Designation - Francisco and Mason Streets]**
**Supervisor Peskin**

Resolution urging the installation of 4-way Stop signs at the intersection of Francisco and Mason Streets.

5/13/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020791** **[Accept and Expend State Funds - Victim Compensation Program]**
**Supervisors Leno, Daly**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to accept and expend funds in the amount of $75,000 made available through the State of California Victim Compensation and Government Claims Board to reimburse local group mental health counseling, education and activities to promote tolerance for individuals at risk for discrimination as a result of terrorism and backlash from terrorism, and waiving indirect costs due to funding constraints.
5/13/02, RECEIVED AND ASSIGNED to Finance Committee.

**020792** **[Creation of S.F. Artist Laureate/Artist in Residence Program]**
**Supervisor Gonzalez**

Resolution urging the creation of a San Francisco Artist Laureate/Artist in Residence Program, analogous to San Francisco's Poet Laureate Program.
5/13/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020793** **[Japantown Bowl Site - 1790 Post Street]**
**Supervisor Gonzalez**

Resolution urging the San Francisco Redevelopment Agency to ensure that any approved development proposal for the former Japantown Bowl site at 1790 Post Street, within the Redevelopment Agency's A-2 Project Area, meets the recreational needs of residents and workers within the Japantown community as specified in the Agency's Commercial, Community Shopping Use District.
5/13/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020794** **[Ellis-O'Farrell Parking Garage Bond Refinancing]**
**Mayor**

Resolution approving and authorizing the issuance of City of San Francisco Ellis-O'Farrell Parking Corporation Parking Revenue Refunding Bonds to refund in part bonds previously issued by the City of San Francisco Ellis-O'Farrell Parking Corporation; approving a bond indenture modifying the maximum amount of the contingent reserve fund; authorizing and ratifying the execution and delivery of documents reasonably necessary for the issuance, sale and delivery of such refunding bonds; and ratifying previous actions taken in connection therewith. (Mayor)

(Fiscal impact.)
5/13/02, RECEIVED AND ASSIGNED to Finance Committee.

**020795** **[Fifth and Mission Parking Garage Bond Refinancing]**
**Mayor**

Resolution approving and authorizing the issuance of City of San Francisco Downtown Parking Corporation Parking Revenue Refunding Bonds to refund bonds previously issued by the City of San Francisco Downtown Parking Corporation; approving a bond indenture modifying the maximum amount of the surplus revenue fund; authorizing and ratifying the execution and delivery of documents reasonably necessary for the issuance, sale and delivery of such refunding bonds; and ratifying previous actions taken in connection therewith. (Mayor)
5/13/02, RECEIVED AND ASSIGNED to Finance Committee.

**020796** **[Urging Passage of AB 496]**
**Supervisor Leno**

Resolution urging the California State Legislature to adopt and Governor Davis to sign Assembly Bill 496, a bill establishing firearm manufacturer liability for guns designed and marketed for criminal use.
5/13/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020797** **[Urging for a Vote in Favor of Resolution Requiring ExxonMobil to Prohibit Discrimination]**
**Supervisor Leno**

Resolution urging the San Francisco Employees Retirement System (SFERS), California Public Employees Retirement System (CALPERS), and other public retirement systems across the nation to vote their shares in favor of a resolution requiring ExxonMobil to explicitly prohibit discrimination based on sexual orientation in its equal opportunity policy before the corporations' upcoming annual shareholder meeting on May 29, 2002.
5/13/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020798** **[Supporting Assembly Bill 2356]**
**Supervisor Peskin**

Resolution supporting State Assembly Member Keely's AB 2356 to explicitly ban the use of Clopyralid (and any other pesticides that are persistent in compost); and to discourage appropriate governmental agencies from using such pesticides that are persistent in compost.
5/13/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020799** **[Enrico Banducci Day]**
**Supervisors Peskin, Sandoval, Newsom, Leno**

Resolution declaring May 19, 2002 Enrico Banducci Day in San Francisco.
5/13/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020800** **[Amending Resolution 242-02 which authorizes the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations]**
**Supervisor Newsom**

Resolution amending Resolution No. 242-02 which authorized the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations for The Hamlin School, or an affiliate to increase the authorizing aggregate principal amount of such revenue bonds not to exceed $14,000,000.
5/13/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020801 **[Community Land Trust Task Force]**
**Supervisors Gonzalez, Daly**

Resolution decreasing the membership of the Community Land Trust Task Force and adding other matters for its consideration, clarifying the role of the Office of Legislative Analyst, and extending the Task Force's operation for an additional four months.
5/13/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020802 **[Proclamation]**
**Supervisors Ammiano, Sandoval, Newsom**

Resolution declaring the week of May 19-25, 2002 Public Works Week in the City and County of San Francisco.
5/13/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020804 **[Commending Jonathan V. Holtzman]**
**Supervisors Ammiano, Sandoval, Newsom, Leno**

Resolution commending Jonathan V. Holtzman for his 15 years of exemplary public service as Chief Deputy in the City Attorney's Office and as Policy and Labor Advisor to the Mayor, and wishing him well in his future endeavors.
5/13/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

020806 **[Paratransit Contract]**
**Supervisor Sandoval**

Hearing to examine the safety, performance standards, and all benchmarks set forth in the contract between the City of San Francisco and the paratransit broker.
5/13/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

020807 **[Purchase and Storage of "Green Machines" for Cleaning Sidewalks]**
**Supervisor McGoldrick**

Hearing on purchase and storage of "Green Machines" for cleaning sidewalks along neighborhood commercial districts within the Richmond.
5/13/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020808** **[Pedestrian Safety at 12th Avenue and California Street]**
**Supervisor McGoldrick**

Hearing on efforts to increase pedestrian safety at 12th Avenue and California Street. This hearing should specifically address the schedule for placement of a traffic signal at this intersection, as well as the possibility of increased traffic enforcement efforts by the Police department at this intersection.

5/13/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020809** **[Effectiveness of Double Parking Enforcement Along Clement Street Business Corridor from Arguello to 12th Avenue]**
**Supervisor McGoldrick**

Hearing on effectiveness of double parking enforcement efforts along Clement Street business corridor from Arguello to 12th Avenue. This hearing should explore what would be the resources required to enforce the prohibition of double parking along this corridor continuously and consistently during regular business hours, as well as what coordination between MUNI, DPT, and SFPD currently exists and how greater coordination might increase the effectiveness of such enforcement.

5/13/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020810** **[Effectiveness of Deterring Theft from Parking Meters]**
**Supervisor McGoldrick**

Hearing on sufficiency and effectiveness of efforts by the Department of Parking and Traffic, Police Department, and the District Attorney's office to prevent and deter theft from parking meters and to investigate and prosecute such theft when it occurs.

5/13/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

**020953** **[2001-2002 San Francisco Civil Grand Jury Report]**
**Supervisor Hall**

Hearing on the recommendations of the 2001-2002 San Francisco Civil Grand Jury, regarding the April 2002 Professional Services Contracts report.

**020896** **[2001-2002 Civil Grand Jury Report]**
**Supervisor Hall**

Hearing on the recommendations of the 2001-2002 San Francisco Civil Grand Jury, regarding San Francisco General Hospital.

(Pursuant to California Penal Code Section 933.)

4/3/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020952** **[2001-2002 San Francisco Civil Grand Jury Report]**
**Supervisor Hall**

Hearing on the recommendations of the 2001-2002 San Francisco Civil Grand Jury, regarding the April 2002 billboard report.

020814 **[May 21, 2002 Preliminary Budget Hearings]**
**Supervisor Maxwell**

Hearings on the following departments' Preliminary Budgets:
SUBMITTED DEPARTMENTS: Police Department-Office of Citizen Complaints, Taxi Commission.
DEPARTMENTAL PRESENTATIONS: Department of Elections.
5/13/02, RECEIVED AND ASSIGNED to Budget Committee.

020816 **[City Energy Plan]**
**Supervisor Maxwell**

Hearing on the proposed City Energy Plan as prepared by the San Francisco Public Utilities Commission and the Department of the Environment.
5/13/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020817 **[Recreation and Park Dog Policy]**
**Supervisor Yee**

Hearing to consider the Recreation and Park Dog Policy as voted on May 8, 2002.
5/13/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

020768 **[PUC Capital Improvement Program for Water and Clean Water]**
**Supervisor Ammiano**

Hearing to consider the San Francisco Public Utilities Commission and its Capital Improvement program for Water and Clean Water.
5/13/02, RECEIVED AND ASSIGNED to Budget Committee.

## Motions

020762 **[Directing the Clerk of the Board to Distribute Reports]**
**Supervisor Daly**

Motion directing the Clerk of the Board to distribute reports requested by the Board of Supervisors from the Controller, Budget Analyst and Legislative Analyst on homeless expenditures and best practices to various City departments heads, elected officials and other policymakers.
5/13/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Sponsor requests this item be scheduled for consideration on May 16, 2002 meeting.

020763 **[Legislative Analyst Request]**
**Supervisor Daly**

Motion asking the Legislative Analyst to prepare a study to identify the most appropriate role of law enforcement in addressing homelessness, specifically focused on how misdemeanors and infractions is advisable, appropriate diversion programs or innovative approaches, and the cost of using law enforcement to respond to homeless people.
5/13/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration May 20, 2002.

## Charter Amendments

**020803** **[Charter Amendment - Retirement Benefits for Police and Fire Personnel]**
**Supervisors Ammiano, Sandoval, Leno, Maxwell, Newsom, McGoldrick**

Charter amendment (First Draft) to add Sections A8.595 through A8.595-14, A8.596 through A8.596-14, A8.597 through A8.597-15, and A8.598 through A8.598-15 thereto, relating to retirement benefits for police officers and firefighters, and by amending Sections A8.500-1 and A8.500-2 to conform to the new retirement plans.

(Fiscal impact.)
5/13/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/12/2002.

**020805** **[Charter Amendment - Entertainment Commission]**
**Supervisors Leno, McGoldrick, Daly, Ammiano, Gonzalez, Newsom, Peskin, Sandoval**

Charter amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding section 4.117 to establish the composition of and appointment of members to the San Francisco Entertainment Commission.
5/13/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/12/2002.

## Introduced by the President at the Request of Departments

## PROPOSED ORDINANCES

**020704** **[Appropriating Funding for Moving the Sheriff to 1740 Folsom Street]**
**Supervisors Peskin, Daly**

Ordinance appropriating $351,858 from Federal funding for housing prisoners for one-time expenses associated with moving the Sheriff's training and other departmental services to 1740 Folsom Street fiscal year 2001-02. (Controller)

(Fiscal impact.)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

**020707** **[Appropriating Funding for the District Attorney's Salaries and Fringes from the Reserve for Hanlon Arbitration Award]**
**Supervisor Daly**

Ordinance appropriating $283,764 from the Reserve for Hanlon Arbitration Award to cover salaries and fringes associated with the MOU with the Municipal Attorney's Association for the District Attorney's Office for fiscal year 2001-02. (Controller)

(Fiscal impact.)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

020749 **[Speed Limit - Buena Vista Terrace]**

Ordinance adding Section 174.7 to the San Francisco Traffic Code establishing a 20-MPH speed limit along a portion of Buena Vista Terrace.

(April 29, 2002 Certification from Department of Parking and Traffic: Categorically Exempt from Environmental Review Class 1(c), Existing Highways and Streets.)

5/6/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

020755 **[Pension Buy-Backs-Rollovers/Transfers]**

**Supervisor Daly**

Ordinance authorizing the Retirement System to accept rollovers and transfers from qualified and non-qualified tax plans for buybacks. (Retirement System)

(Requires nine votes to pass.)

5/8/02, RECEIVED AND ASSIGNED to Finance Committee.

020757 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Imogene Jones against the City and County of San Francisco for $70,000; the lawsuit was filed on April 10, 2001 in the United States District Court, Case No. C01-1405 WHA; entitled Imogene Jones, v. City and County of San Francisco, et al. (City Attorney)

5/8/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020758 **[Grant - District Attorney Criminal Restitution Compact Project]**

Resolution authorizing the Office of the District Attorney to contract for, accept and expend $132,638 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2002 through June 30, 2003. (District Attorney)

5/8/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020759 **[Zoo General Obligation Bond Sale]**

**Mayor**

Resolution authorizing and directing the sale of not to exceed $6,500,000 City and County of San Francisco General Obligation Bonds (Zoo Facilities Bonds, 1997), Series 2002A; prescribing the form and terms of said bonds; authorizing the execution, authentication and registration of said bonds; providing for the appointment of depositories and other agents for said bonds; providing for the establishment of accounts related thereto; approving the forms of the official notice of sale and notice of intention to sell bonds; approving the form and execution of the official statement relating thereto; approving the form of the continuing disclosure certificate; amending Section 9(b) of the Authorizing Resolution; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of said bonds. (Mayor)

5/8/02, RECEIVED AND ASSIGNED to Finance Committee.

**020760 [Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco and the Environmental Law Foundation against Nibco, Inc. for $83,000; the lawsuit was filed on December 28, 1999 in the Superior Court of California for the City and County of San Francisco, CASE NO. 308832; The People of the State of California by and through San Francisco City Attorney DENNIS J. HERRERA, et al., V. Matco-Norca, et al.; other material terms of said settlement are: (1) Within 60 days from the entry of the Consent Judgment, Nibco shall to provide a Proposition 65 "hang tag" or adhesive warning sign securely affixed on all brass water shut off valves it manufactures or distributes and intended for sale or use in California whose American National Standard/NSF International Standard 61, Section 8 test results for lead leached into water is greater than 5 micrograms per liter; (2) Nibco shall meet certain lead reduction targets for certain water shut off valves manufactured or distributed by Nibco that are intended for sale or use in California; (3) Within 60 days following the end of each targeted period, Nibco shall submit to the Environmental Law Foundation test result showing that the specific valves set forth in the lead reduction target that are sold or used in California meet the lead reduction level required and a certification that Nibco has not and will not offer for sale or use in California valves that do not comply with the lead reduction target. (City Attorney)

5/8/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

## PROPOSED RESOLUTIONS

**020708 [Lease of Real Property]**
**Supervisors Peskin, Daly**

Resolution authorizing the lease of 18,862 sq. ft. of space at 1740 Folsom Street for the Sheriff's Department to consolidate training facilities. (Real Estate Department)

(Fiscal impact; Public Benefit Recipient; District 6.)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

**020709 [Lease of Real Property]**
**Supervisors Peskin, Daly**

Resolution authorizing the lease of 4,997 sq. ft. of space at 555 7th Street to the San Francisco PreTrial Diversion Project. (Real Estate Department)

(Public Benefit Recipient; District 6.)
5/6/02, RECEIVED AND ASSIGNED to Finance Committee.

**020710 [Settlement of Claim]**

Resolution approving the settlement of the unlitigated claim filed by June Crabtree against San Francisco for $100,000; claim was filed on March 29, 2001. (City Attorney)

5/6/02, RECEIVED AND ASSIGNED to Rules and Audits Committee. Department requests this item be calendared at the May 21, 2002 meeting.

020751 **[HIV testing, reporting and counseling services to gay and bisexual men in a research study]**
**Supervisor Daly**

Resolution authorizing the San Francisco Department of Public Health, AIDS Office (SFDPH), to enter retroactively into an agreement in the amount of $23,566 with The Regents of the University of California San Francisco Center for AIDS Prevention Studies (UCSF), to provide HIV testing and reporting and counseling services to gay and bisexual men for the period of on or about April 1, 2002 to on or about June 30, 2002. (Public Health Department)

5/7/02, RECEIVED AND ASSIGNED to Health and Human Services Committee. Department requests this item be calendared at the June 6, 2002 meeting.

020752 **[State funds transfer to CMHDA for contract services to improve mental health treatment for children in foster care and other children placed outside of San Francisco]**

Resolution endorsing the transfer of State general funds from the State to the California Mental Health Directors Association for a contract to provide services to foster care and other Medi-Cal eligible children placed outside of San Francisco, for the period of July 1, 2001 through June 30, 2002. (Public Health Department)

5/7/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be calendared at the May 22, 2002 meeting.

5/10/02 - Referred to Youth Commission for comment and recommendation.

020758 **[Grant - District Attorney Criminal Restitution Compact Project]**

Resolution authorizing the Office of the District Attorney to contract for, accept and expend $132,638 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Criminal Restitution Compact for the period of July 1, 2002 through June 30, 2003. (District Attorney)

5/8/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020761 **[Certification to Accompany Application for State Grant for Excelsior Library Renovation]**
**Supervisor Sandoval**

Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000. (Public Library)

5/8/02, RECEIVED AND ASSIGNED to Neighborhood Services and Recreation Committee.

## PROPOSED MOTIONS

020670 **[Board Off-site Meetings]**
**Supervisor Ammiano**

Motion ordering the City and School District Committee meeting of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on June 19, 2002 at 3:00 P.M.; and directing the Clerk of the Board to prepare the proper notices and postings.

5/1/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

## Requests Granted

*From: Supervisor Daly*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation to install a four-way stop sign at the intersection of Brannan and Delancey Streets; and a four-way stop sign and passenger-loading zone at 27th and Shotwell Streets.*

*From: Supervisor Gonzalez*
*To: City Attorney*
*Requesting/Inquiring: Request for closed session to brief members of the Board of Supervisors on the status of litigation related to the termination of power contracts with the Turlock and Modesto Irrigation Districts, and the termination of the contract with Pacific Gas and Electric to distribute power to the Turlock and Modesto Irrigation Districts.*

*From: Supervisor Hall*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation that imposes a $2.00 surcharge for taxi rides resulting from a response to a radio call within 30 minutes of the call.*

*From: Supervisor Leno*
*To: Board of Directors, UC Hastings College of the Law*
*Requesting/Inquiring: To report on*
*1. The status of the proposed Hastings garage project.*
*2. Since the Environmental Impact Report was approved by the Hastings Board, what is the window of time during which appeals to the EIR can be filed?*
*3. Is Hastings considering other proposals at this time? Specifically, is a mixed-use proposal including housing and significantly less parking, which is supported by the community, being considered?*

*From: Supervisor McGoldrick*
*To: Chief, Police Department*
*Requesting/Inquiring: To report on the necessity, effectiveness and efficiency of the San Francisco Police Department's Marine Unit. Specifically, to describe in detail how the Marine Unit fits into the goals and mission of the Police Department, as well as describing fully all personnel costs and operating expenses associated with the Marine Unit.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Tessa Newsom (Board of Supervisors)*
*Reverend Edward McFadden (Supervisor Hall)*
*Edmund Charles Moore (Supervisor Gonzalez)*
*Bernice Brown (Supervisor Hall)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 5:33 p.m adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on July 22, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

390
72
/20/02

# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.*
*Goodlett Place*
*San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.

NOV - 1 2002

SAN FRANCISCO
PUBLIC LIBRARY

**Monday, May 20, 2002 2:00 PM**

**Legislative Chamber - Second Floor**
**City Hall, 1 Dr. Carlton B. Goodlett Place**
**San Francisco, CA 94102-4689**

**Regular Meeting**

***TOM AMMIANO, PRESIDENT***
***CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,***
***SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,***
***AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE***
***Gloria L. Young, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Ammiano | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Maxwell | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair. Second-named Supervisor/Commissioner is Vice-Chair. of the Committee.

Volume 97 Number 20

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Daly, Newsom, Sandoval - 3.*

*Quorum present.*

*Supervisor Daly was noted present at 2:05 p.m.*

*Supervisor Newsom was noted present at 2:05 p.m.*

*Supervisor Sandoval was noted present at 2:05 p.m.*

## APPROVAL OF MEETING MINUTES

**Supervisor Peskin, seconded by Supervisor Maxwell, moved to approve the March 18, 2002 and March 25, 2002 Meeting Minutes. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*There were none.*

## CONSENT AGENDA

### Recommendations of the Transportation and Commerce Committee

**020332** **[Traffic Regulations]**

Resolution enacting and rescinding traffic regulations on various streets.

BICYCLE LANES - ESTABLISH
King Street, north side, (westbound), from 2nd Street to 360 feet westerly

BICYCLE LANES - ESTABLISH
7th Street, both sides, (both directions), between 16th and Townsend Streets

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
7th Street, east side, from Townsend Street to 160 feet southerly (160-foot zone)

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
Mission Street, east side, from Trumbull Street to 500 feet northerly (500-foot zone, to be replaced with shorter zone)

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Mission Street, east side, from Trumbull Street to 420 feet northerly (420-foot zone, reduces existing zone by 80 feet and creates four additional parking spaces)

TOW-AWAY, NO STOPPING, 7 AM - 6 PM, MONDAY THROUGH FRIDAY - RESCIND California Street, south side, from 106 feet to 137 feet west of Montgomery Street (31-foot zone)

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
California Street, south side, from 106 feet to 137 feet west of Montgomery Street (31-foot zone)

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Webster Street, west side, from 100 feet to 150 feet north of Oak Street (extends existing tow-away zone by 50 feet) (Parking and Traffic Department)

(DPT Order No. 2399.)

(4/11/02 Categorically Exempt from Environmental Review - existing highways and streets; bicycle lanes on existing rights-of-way)

**Resolution No.** 330-02
**ADOPTED**

020387 **[Parking Regulations]**

Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "U" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Cleveland Street, both sides, between 7th and Sherman Streets (unit block, signs to be installed only on the south side)

RESIDENTIAL PERMIT PARKING AREA "D" (4-HOUR TIME LIMIT, 9 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Hamerton Avenue, both sides, between Mangels Avenue and north terminus (100 block)

RESIDENTIAL PERMIT PARKING AREA "B" (2-HOUR TIME LIMIT, 9 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Palmetto Street, both sides, between Ramsell and Victoria Streets (400 block)

NO PARKING, 2 AM - 6 AM, EVERYDAY - ESTABLISH
19th Street, both sides, between Indiana and Minnesota Streets
20th Street, both sides, between Indiana and Minnesota Streets
Indiana Street, both sides, between 19th and 22nd Streets

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Broderick Street, east side from 0 feet to 20 feet north of Waller Street (20-foot zone, replacing an existing red zone)

PARKING METER AREA NO. 3 - ESTABLISH
21st Avenue, east side, from 60 feet to 80 feet north of Geary Boulevard (20-foot zone, accommodating 1 parking meter stall)

TOW-AWAY, NO STOPPING, 7 AM - 6 PM, MONDAY THROUGH FRIDAY - RESCIND California Street, south side, from 85 feet to 151 feet east of Kearny Street (66-foot zone)

TAXI ZONE - ESTABLISH
California Street, south side, from 85 feet to 151 feet east of Kearny Street (66-foot zone)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Melrose Avenue, south side, from east terminus east of Foerster Street to 40 feet westerly (40-foot zone, adjacent to Sunnyside Playground)

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Golden Gate Avenue, south side from 127 feet to 136.5 feet west of Pierce Street (9.5-foot zone, accommodating 2 motorcycle spaces between driveways, in front of 1509 Golden Gate Avenue)

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Napoleon Street, south side, from Jerrold Avenue to 500 feet easterly (500-foot zone)

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Napoleon Street, north side, from 630 feet to 1280 feet east of Jerrold Avenue (650-foot zone)

TOW-AWAY, NO PARKING ANYTIME (FIRE LANE) - ESTABLISH
Farmer's Market Frontage Road, both sides, between Crescent Avenue and Putnam Street (along north and west sides of Farmer's Market property)

NO PARKING ANYTIME - RESCIND
Jessie Street, north side, between 6th and Mint Streets

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Jessie Street, north side, between 6th and Mint Streets (Parking and Traffic Department)

(DPT Order No. 2399.)

(4/11/02 Categorically Exempt from Environmental Review - existing highways and streets)

**Resolution No.** 331-02
**ADOPTED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Severed from Consent Agenda

## Recommendation of the Finance Committee

**020535** **[Unrepresented Employees]**
**Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2002. (Mayor)

(Fiscal impact.)

*Supervisor Ammiano requested this matter be severed so it could be considered separately.*
**President Ammiano, seconded by Supervisor Peskin, moved that this Ordinance be CONTINUED ON FINAL PASSAGE. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendations of the Finance Committee

011716 **[Airport Trip Fee Pass Through]**
**Supervisors Daly, Newsom**

Ordinance amending the San Francisco Police Code by amending Article 16, Section 1135 (a) to allow taxicab drivers to collect a $2.00 pass through fee from passengers when a trip fee is incurred at San Francisco International Airport. (Airport Commission)

*Supervisor Newsom requested to be added as co-sponsor.*

**Ordinance No.** 84-02

**FINALLY PASSED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Hall

020486 **[Supplemental Appropriation, Department of Elections]**

Ordinance appropriating $1,981,180 of the General Reserve to fund other current expenses and materials and supplies for the Department of Elections for fiscal year 2001-02.

**Ordinance No.** 82-02

**FINALLY PASSED by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Noes: 1 - McGoldrick

## NEW BUSINESS

### Recommendations of the Finance Committee

020191 **[Supplemental Appropriation, Board of Supervisors]**
**Supervisor Daly**

Ordinance releasing the $500,000 Finance Committee Reserve for the Transbay Terminal Study and reappropriating the same from the Planning Department to the Board of Supervisors for fiscal year 2001-02.

(Fiscal impact.)

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020490 [Gift - South (Murphy) Windmill in Golden Gate Park]**
**Supervisors McGoldrick, Hall, Sandoval, Newsom, Maxwell**

Ordinance authorizing the Recreation and Park Department to negotiate and enter into sole-source contracts with Lucas Verbij, Hoogmade/BV, Netherlands, and Mark De Jong, Bloemendal Construction Company, San Francisco for restoration of the South (Murphy) Windmill in Golden Gate Park and accepting a gift of funds from the Campaign to Save the Golden Gate Park Windmills.

(Fiscal impact.)

*Supervisors Hall, Sandoval, Newsom requested to be added as co-sponsors.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020144 [Establishing Trial Rates for City Owned Garages and Metered Parking Lots]**

Resolution approving trial rates as proposed permanent parking rates, with adjustments, for the Civic Center Garage, the Ellis O'Farrell Garage, the 16th & Hoff Street Garage, the 324-8th Avenue Parking Lot (at 8th and Clement), the 330-9th Avenue Parking Lot (at 9th and Clement) and the 421-18th Avenue Parking Lot (at 18th and Geary) and the Performing Arts Garage. (Parking and Traffic Department)

**Resolution No.** 329-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020643 [Lease Purchase Financing for the Acquisition of a Parking Meter Management System]**
**Supervisor Ammiano**

Resolution approving the lease purchase financing for the acquisition of a parking meter management system for the Department of Parking and Traffic; approving the form of a lease purchase financing agreement between the Department of Parking and Traffic and a lender, authorizing the selection of a lender, and ratifying previous actions taken in connection therewith.

(Fiscal impact; Companion measure to Files 020494 and 020495.)
(Supervisor Daly dissenting in Committee)

**Resolution No.** 313-02

**ADOPTED by the following vote:**

Ayes: 8 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval, Yee
Noes: 3 - Daly, Gonzalez, Newsom

**020665 [Conveyance of Water Pipeline Easement in Exchange for 2.5 Acres in San Mateo County]**

Resolution approving and authorizing the conveyance of a water pipeline easement in exchange for approximately 2.5 acres in San Mateo County; adopting findings that the exchange is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

(Public Benefit Recipient)

**Resolution No.** 332-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Transportation and Commerce Committee

**012133 [Pedestrian Safety Advisory Committee]**
**Supervisors McGoldrick, Ammiano, Leno, Maxwell, Peskin, Sandoval, Yee, Daly, Newsom**

Ordinance amending Chapter 5 of the San Francisco Administrative Code by adding Article IV Sections 5.20 and 5.21 establishing a Pedestrian Safety Advisory Committee.

*Supervisor Newsom requested to be added as co-sponsor.*
**PASSED, ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020054 [Parking Regulations, portions of Clay and Laurel Street]**
**Supervisor Newsom**

Ordinance adding Section 32.6.31 to the San Francisco Traffic Code, regarding parking regulations on portions of Clay and Laurel Street. (Parking and Traffic Department)

(4/11/02 Categorically Exempt from Environmental Review - existing highways and streets)

*Supervisor Newsom requested to be added as sponsor.*
**PASSED, ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## From Transportation and Commerce Committee Without Recommendation

**011729 [Residential Parking Permits]**
**Supervisor Newsom**

Ordinance amending San Francisco Traffic Code Section 308 to limit the number of residential parking permits issued to a single address. (Parking and Traffic Department)

(4/15/02 Categorically Exempt from Environmental Review - non-physical exemption)

*Supervisor Newsom requested this matter be continued to May 28, 2002.*
**Supervisor Newsom, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# PUBLIC COMMENT

*Abdallah Megahed, homelessness;*
*Male speaker, quality of life safety standards.*

# APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

**020763** **[Legislative Analyst Request]**
**Supervisor Daly**

Motion asking the Legislative Analyst to prepare a study to identify the most appropriate role of law enforcement in addressing homelessness, specifically focused on how misdemeanors and infractions is advisable, appropriate diversion programs or innovative approaches, and the cost of using law enforcement to respond to homeless people.

*Supervisor Hall requested this matter be continued to May 28, 2002.*

**Supervisor Hall, seconded by Supervisor Daly, moved that this Motion be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# CLOSED SESSION

# CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff

**020828** **[Anticipated Litigation - City as Plaintiff]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation (City anticipated to be a plaintiff) which may be filed related to the transfer of control over Television Signal Corporation from AT&T to AT&T/Comcast.

This closed session would be permitted by California Government Code Section 54956.9(c), and San Francisco Administrative Code Section 67.10(d)(2). (City and School District Committee)

**Supervisor Leno, seconded by Supervisor Peskin, moved to convene in closed session. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*Recess*

*The Board recessed at the hour of 3:15 p.m. to convene in closed session pursuant to the above motion.*

*Reconvening of the Board*

*The Board at the hour of 4:25 p.m. reconvened.*

*Calling the Roll*

*On call of the roll, the following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee - 11.*

*Quorum present.*

*Report on Closed Session*

*Deputy City Attorney John Kennedy reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.*

*Persons in attendance:*
*Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee;*
*Dennis J. Herrera, City Attorney;*
*John Kennedy, Deputy City Attorney;*
*Terry Stewart, Deputy City Attorney;*
*Lisa Gelb, Deputy City Attorney;*
*Julia Friedlander, Deputy City Attorney;*
*Denise Brady, Deputy Director, Department of Telecommunications and Information Systems;*
*Brian Roberts, Senior Regulatory and Policy Analyst, Department of Telecommunications and Information Systems;*
*Brian Wilson, Department of Telecommunications and Information Systems;*
*Lewis Loeven, Department of Telecommunications and Information Systems;*
*Gloria L. Young, Clerk of the Board;*
*Victor Young, Assistant Clerk.*

*The meeting was informational only and no action was taken.*

**HEARD IN CLOSED SESSION by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*[Elect Not to Disclose]*
*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.*

**Supervisor Leno, seconded by Supervisor McGoldrick, moved not to disclose its closed session deliberations. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

**020796** **[Urging Passage of AB 496]**
**Supervisor Leno**

Resolution urging the California State Legislature to adopt and Governor Davis to sign Assembly Bill 496, a bill establishing firearm manufacturer liability for guns designed and marketed for criminal use.

**Resolution No.** 333-02
**ADOPTED**

**020797** **[Urging for a Vote in Favor of Resolution Requiring ExxonMobil to Prohibit Discrimination]**
**Supervisor Leno**

Resolution urging the San Francisco Employees Retirement System (SFERS), California Public Employees Retirement System (CALPERS), and other public retirement systems across the nation to vote their shares in favor of a resolution requiring ExxonMobil to explicitly prohibit discrimination based on sexual orientation in its equal opportunity policy before the corporations' upcoming annual shareholder meeting on May 29, 2002.

**Resolution No.** 334-02
**ADOPTED**

**020798** **[Supporting Assembly Bill 2356]**
**Supervisor Peskin**

Resolution supporting State Assembly Member Keely's AB 2356 to explicitly ban the use of Clopyralid (and any other pesticides that are persistent in compost); and to discourage appropriate governmental agencies from using such pesticides that are persistent in compost.

**Resolution No.** 335-02
**ADOPTED**

**020799** **[Enrico Banducci Day]**
**Supervisors Peskin, Sandoval, Newsom, Leno**

Resolution declaring May 19, 2002 Enrico Banducci Day in San Francisco.

*Supervisors Sandoval, Newsom, Leno requested to be added as co-sponsors.*

**Resolution No.** 336-02
**ADOPTED**

020800 **[Amending Resolution 242-02 which authorizes the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations]**
Supervisor Newsom

Resolution amending Resolution No. 242-02 which authorized the issuance and sale of revenue bonds by ABAG Finance Authority for Nonprofit Corporations for The Hamlin School, or an affiliate to increase the authorizing aggregate principal amount of such revenue bonds not to exceed $14,000,000.

**Resolution No.** 337-02
**ADOPTED**

020801 **[Community Land Trust Task Force]**
**Supervisors Gonzalez, Daly**

Resolution decreasing the membership of the Community Land Trust Task Force and adding other matters for its consideration, clarifying the role of the Office of Legislative Analyst, and extending the Task Force's operation for an additional four months.

*Supervisor Daly requested to be added as co-sponsor.*
**Resolution No.** 338-02
**ADOPTED**

020802 **[Proclamation]**
**Supervisors Ammiano, Sandoval, Newsom**

Resolution declaring the week of May 19-25, 2002 Public Works Week in the City and County of San Francisco.

*Supervisors Sandoval, Newsom requested to be added as co-sponsors.*
**Resolution No.** 339-02
**ADOPTED**

020804 **[Commending Jonathan V. Holtzman]**
**Supervisors Ammiano, Sandoval, Newsom, Leno**

Resolution commending Jonathan V. Holtzman for his 15 years of exemplary public service as Chief Deputy in the City Attorney's Office and as Policy and Labor Advisor to the Mayor, and wishing him well in his future endeavors.

*Supervisors Sandoval, Newsom, Leno requested to be added as co-sponsors.*
**Resolution No.** 326-02
**ADOPTED**

020821 **[Final Map for a 5 Unit Mixed Use Condominium Project]**
Motion approving Final Map of 3151 - 3153 - 3155 - 3157 - 3159 Sacramento Street, a Mixed Use Condominium Project, being a subdivision of Lot 31 in Assessor's Block No. 1023, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,522; District 2.)

**Motion No.** M02-75
**APPROVED**

**020822** **[Final Map for a 13 Unit Commercial / Residential Condominium Project]**

Motion approving Final Map of 2255 Bush Street a Commercial / Residential Condominium Project, being a subdivision of Lot 24 in Assessor's Block No. 678, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,519; District 5.)

**Motion No.** M02-76
**APPROVED**

**020823** **[Final Map for a 8 Unit Commercial / Residential Condominium Project]**

Motion approving Final Map of 801 Greenwich Street a Commercial / Residential Condominium Project, being a subdivision of Lot 1 in Assessor's Block No. 91, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,521; District 3.)

**Motion No.** M02-77
**APPROVED**

**020824** **[Final Map for a 248 Unit Commercial / Residential Condominium Project]**

Motion approving Final Map of Bridgeview, 400 Beale Street a Residential / Commercial Condominium Project, being a subdivision of Lot 5 in Assessor's Block No. 3766, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,520; District 6.)

**Motion No.** M02-78
**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, Newsom, Peskin, Sandoval, Yee
Absent: 1 - McGoldrick

# IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*

*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Leno, seconded by Supervisor Daly, moved ADOPTION of the commendatory finding. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Leno, seconded by Supervisor Daly, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Imperative Agenda

020843 **[Commending the artistic contributions of Ms. Francis Yip]**
**Supervisor Yee**

Resolution commending Ms. Francis Yip for her artistic contribution and recording career, and proclaiming May 28, 2002 Ms. Francis Yip Day in San Francisco.

*Supervisor Yee presented for immediate adoption.*

**Resolution No.** 340-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020844 **[Commending Children and Youth, and the Children's Defense Fund]**
**Supervisors Daly, Leno, Newsom**

Resolution commending Coleman Advocates for Children and Youth, and the Children's Defense Fund on the occasion of Stand for Children Day and declaring May 27, 2002 "Stand for Children Day" in San Francisco.

*Supervisor Daly presented for immediate adoption.*

**Resolution No.** 341-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020845 **[Commending Swords to Plowshares]**
**Supervisors Daly, Newsom**

Resolution commending Swords to Plowshares in their tireless effort to serve the homeless veteran population on the occasion of Memorial Day Monday, May 27th 2002.

*Supervisor Daly presented for immediate adoption.*

**Resolution No.** 342-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020846** **[Commending Sister Bernie Galvin, cdp,]**
**Supervisors Daly, Leno, Newsom**

Resolution commending and lauding Sister Bernie Galvin, cdp, for her lifelong advocacy of economic, religious and social justice.

*Supervisor Daly presented for immediate adoption.*

Resolution No. 343-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020847** **[Commending George Washington Carver Cobras]**
**Supervisors Maxwell, Leno**

Resolution commending the George Washington Carver Cobras for their efforts to bring awareness to the public about the Bayview Hunter's Point Community's need for fresh affordable fruits and vegetables.

*Supervisor Maxwell presented for immediate adoption.*

Resolution No. 344-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020848** **[Commending George Washington Carver Blue Angels]**
**Supervisors Maxwell, Leno**

Resolution commending the George Washington Carver Blue Angels for their efforts to learn about and help reduce the rate of homelessness in the Bay View Hunter's Point community.

*Supervisor Maxwell presented for immediate adoption.*

Resolution No. 345-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**020849** **[Policy Governing Dogs in City Parks]**
**Supervisor Yee**

Ordinance amending the Park Code by adding Article 5A governing Dog Play Areas in City parks and providing the site requirements for Dog Play Areas, including requirements for location, size, boundaries, surfacing and amenities; providing the procedure for establishing and eliminating Dog Play Areas; establishing a procedure for entering into partnerships with the City to administer Dog Play Areas; establishing the responsibilities of such partnerships; setting guidelines for the maintenance and management of Dog Play Areas; setting the rules of conduct within Dog Play Areas; creating an Advisory Committee to advise the City regarding Dog Play Area issues; describing the funding for Dog Play Areas; establishing a procedure for handling complaints regarding Dog Play Areas; and setting rules for the use of Dog Play Areas by professional dog walkers.
5/20/02, ASSIGNED UNDER 30 DAY RULE to Neighborhood Services and Recreation Committee, expires on 6/19/2002.

**020842** **[Competitive Bid and Prevailing Wage Exemption for Job Training]**
**Supervisor Maxwell**

Ordinance exempting the San Francisco Conservation Corps from the prevailing wage requirements and waiving the competitive bid requirements for the Recreation and Park Commission's award of a contract for construction of playgrounds, restoration of natural areas and implementation of erosion control measures in San Francisco parks.
5/20/02, RECEIVED AND ASSIGNED to Finance Committee.

## Resolutions

**020851** **[Certificates of Participation to Replace the Existing San Francisco Juvenile Hall]**
**Supervisor Hall**

Resolution authorizing the execution and delivery of certificates of participation to finance the acquisition, improvement, construction and/or reconstruction of a new juvenile detention facility to replace the existing San Francisco Juvenile Hall; approving the form of a property lease between the City and County of San Francisco (the "City") and a trustee relating to certain City-owned property (as further described in this Resolution); approving the form of a project lease between the City and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the form of a trust agreement between the City and a trustee (including certain indemnities contained therein); approving the form of an official notice of sale and notice of intention to sell for the certificates of participation; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; authorizing the filing of a validation action validating the execution and delivery of the certificates of participation; authorizing the reimbursement of certain expenditures; authorizing the payment of costs of issuance; adopting findings under the California Environmental Quality Act and findings pursuant to the City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

(Fiscal impact.)
5/20/02, RECEIVED AND ASSIGNED to Finance Committee. (5/30/02 - Referred to Youth Commission for comment and recommendation.)

**020852** **[Accept-Expend Grant from Board of Corrections]**
**Supervisors Hall, Leno, Newsom**

Resolution authorizing the Mayor's Office of Criminal Justice to accept and expend a grant in the amount of $15,075,000 from the Board of Corrections (BOC) for the purpose of entirely replacing San Francisco's 52 year old juvenile hall with a modern facility that is humane and secure, while increasing its capacity to enhance focus on the rehabilitation of the youths detained there.
5/20/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020853** **[Veterans Building General Obligation Bonds]**
**Supervisors Sandoval, Daly**

Resolution determining and declaring that the public interest and necessity demand municipal improvements consisting of the acquisition, rehabilitation, renovation, improvement, construction and/or reconstruction by the City and County of San Francisco of the San Francisco War Memorial Veterans Building, and all other works, property and structures necessary or convenient for the foregoing purposes; that the estimated cost of $98,100,000 for said municipal improvements is and will be too great to be paid out of the ordinary annual income and revenue of said City and County and will require the incurring of bonded indebtedness; finding the project shall comply with the Secretary of the Interior's guidelines; finding the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53.

(Fiscal impact.)
5/20/02, RECEIVED AND ASSIGNED to Finance Committee.

**020854** **[Veterans Building Lease Revenue Bonds]**
**Supervisors Sandoval, Daly**

Resolution of the Board of Supervisors submitting to the qualified electors of the City and County of San Francisco a proposition authorizing the construction of additional improvements and renovations to the San Francisco War Memorial Veterans Building using lease financing; finding the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan Consistency requirement of Administrative Code Section 2A.53; finding the project shall comply with the Secretary of the Interior's guidelines.

(Fiscal impact.)
5/20/02, RECEIVED AND ASSIGNED to Finance Committee.

**020855** **[Grant - Department of Parking and Traffic and Department of Public Works for Pedestrian and Bicycle Projects]**

Resolution authorizing the Executive Director of the Department of Parking and Traffic and the Director of Public Works to accept and expend state Transportation Development Act Article 3 (TDA) funds totalling $579,000 for FY 01-02 and $585,000 for FY 02-03 for various pedestrian and bicycle projects in the City and County of San Francisco.
5/20/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

020856 **[Pedestrian Safety and Livable Streets General Obligation Bonds]**
**Supervisors Ammiano, McGoldrick**

Resolution determining and declaring that the public interest and necessity demand the financing of street resurfacing, curb ramp construction, sidewalk improvement and street structure improvement projects, street signal and fire alarm call box improvement projects, street improvements for bicycle use and all other structures and improvements necessary or convenient for the foregoing purposes, that the estimated cost of $150,000,000 is and will be too great to be paid out of the ordinary annual income and revenue of said City and County and will require the incurring of a bonded indebtedness; finding the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Administrative Code Section 2A.53.

(Government Code Sections 43607 and 43608, requires eight votes for passage.)
5/20/02, RECEIVED AND ASSIGNED to Finance Committee.

020857 **[Recognizing the achievements at Thurgood Marshall Academic High School]**
**Supervisors Yee, Newsom**

Resolution recognizing the accomplishments and achievements of the students, faculty and administration at Thurgood Marshall Academic High School in San Francisco.
5/20/01, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020858 **[Urging the SF Board of Education to Support Resolution No. 21-22A7]**
**Supervisors Maxwell, Daly, Leno, Peskin**

Resolution urging the Board of Education to support Resolution No. 21-22A7, in support of health, psychological and social services for children of the San Francisco Unified School District.
5/20/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020859 **[Healthy Families Program]**
**Supervisors Yee, McGoldrick, Daly, Leno, Peskin, Maxwell**

Resolution urging Governor Gray Davis to reconsider postponing expansion of the Healthy Families Program.
5/20/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020860 **[Expressing grave concern about the recent KPIX Channel 5 news series focused on Chinese Restaurants in San Francisco]**
**Supervisors Peskin, McGoldrick, Daly**

Resolution condemning negative stereotyping of Asian-Americans perpetuated by recent KPIX coverage and their unfair, unbalanced and irresponsible series on unsanitary conditions inside Chinese restaurants in San Francisco, and urging KPIX to immediately cease airing the series until KPIX pursues fair and balanced coverage of this issue.
5/20/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020861** **[Urging the U.S. Congress to adopt Wild Heritage Wilderness Act of 2002]**
**Supervisors Leno, Peskin, Daly, Maxwell, McGoldrick, Sandoval**

Resolution urging the U.S. Congress to adopt and President Bush to sign Senator Barbara Boxer's California Wild Heritage Wilderness Act of 2002.
5/20/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020862** **[Prevent closure of the SF General Hospital Renal Center]**
**Supervisors Yee, Sandoval, Daly, Peskin, Maxwell**

Resolution seeking to prevent closure of the San Francisco General Hospital Renal Center.
5/20/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020863** **[Commending Balboa High School]**
**Supervisor Sandoval**

Resolution commending Balboa High School for winning the "Best Roundtable" award at the San Francisco Public Utilities Commission Environmental Summit.
5/20/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020864** **[Commending Ben Wildman-Tobriner]**
**Supervisors Sandoval, Hall, Newsom**

Resolution commending Ben Wildman-Tobriner for setting a new North Coast Section swimming record in the 50-yard freestyle.
5/20/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020865** **[Commending Partners Ending Domestic Abuse]**
**Supervisors Leno, Newsom, Maxwell, Peskin, Daly, McGoldrick, Yee, Sandoval, Hall**

Resolution commending Partners Ending Domestic Abuse, a non-profit volunteer organization, and declaring June 5, 2002 Partners Ending Domestic Abuse Day in San Francisco.
5/20/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020866** **[Commending Congregation Sha'ar Zahav]**
**Supervisors Leno, Peskin, Daly, Ammiano, Sandoval, McGoldrick, Newsom**

Resolution commending Congregation Sha'ar Zahav for their contributions to the San Francisco Jewish community over the past 25 years.
5/20/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020867 [Commending Theatre Rhinoceros]**
**Supervisors Leno, Ammiano, Daly, Peskin, Sandoval, McGoldrick, Newsom**

Resolution commending Theatre Rhinoceros for their educational and artistic contributions to the San Francisco cultural and LGBT communities over the past 25 years.
5/20/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020868 [Commending John O' Connell High School]**
**Supervisors Daly, Sandoval, Newsom**

Resolution commending students at John O'Connell High School on the occasion of being named "Best Group Presentation" at the San Francisco Public Utilities Commission Environmental Summit for Youth.
5/20/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020873 [Hearing on the Mayor's June Budget Submission to the Board of Supervisors]**
**Supervisor Maxwell**

Presentation on the Mayor's June budget submission to the Board of Supervisors.
5/20/02, RECEIVED AND ASSIGNED to Budget Committee.

**020874 [Congestion Pricing for Tolls on San Francisco-Oakland Bay Bridge]**
**Supervisor Sandoval**

Hearing to consider submitting a Declaration of Policy for the November 2002 ballot concerning traffic congestion on the San Francisco-Oakland Bay Bridge and on highways leading to and from the bridge particularly during the morning and evening rush hours. This congestion reduces the quality of life among Bay area commuters, harms the local economy by slowing and increasing the cost of the transport of goods and services; harms the environment because congestion and the consequent delays in the flow of traffic increase the amount of noxious substances emitted into the atmosphere; and jeopardizes the respiratory health of Bay Area residents, who must breathe that polluted air.
5/20/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020875 [Police Department]**
**Supervisor Sandoval**

Hearing to discuss the Police Department's investigative service division including, but not limited to, the City's violent crime solution rate.
5/20/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020878 [Usage of Proposition 36 Monies]**
**Supervisor Newsom**

Hearing to discern the status of the usage of Prop 36 monies by the City and County of San Francisco and the rate of implementation of this program, including but not limited to discussion of existing pre-plea drug treatment programs.
5/20/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020879 [Management Letters for FY Ended June 30, 2001 and Audit Plans for FY Ended June 30, 2002]**
**Supervisor Hall**

Hearing to consider the Management Letters for the City and County of San Francisco as issued by the City's independent auditors for the fiscal year ended June 30, 2001 and the Audit Plans for fiscal year ended June 30, 2002, in accordance with Charter Section 9.117.
5/20/02, RECEIVED AND ASSIGNED to Rules and Audits Committee. Sponsor requests this item be scheduled for consideration at the June 4, 2002 meeting.

**020880 [Single Room Occupancy Task Force]**
**Supervisor Ammiano**

Hearing to review the status and receive an update on the Single Room Occupancy Task Force.
5/20/02, RECEIVED AND ASSIGNED to Finance Committee. Sponsor requests this item be scheduled for consideration at the May 29, 2002 meeting.

**020889 [San Francisco Business Tax]**
**Supervisor Peskin**

Hearing to address reform of the San Francisco Business Tax to ensure that the City's tax ordinance distributes tax burden among San Francisco businesses in a fair and equitable manner. This hearing is intended to assess the City's current tax collection in the wake of the Gross Receipts Tax Lawsuit and appropriate alternatives that exist to amend the tax code.
5/20/02, RECEIVED AND ASSIGNED to Finance Committee. Sponsor requests this item be scheduled for consideration at a Special Meeting of the Finance Committee on June 5, 2002 at 12:30 PM.

## Motions

**020841 [Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
5/20/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020869 **[Legislative Analyst Request]**
**Supervisor Newsom**

Motion asking the Legislative Analyst to prepare a report comparing the policies, best practices and procedures of the top performing homicide and robbery divisions of large city Police Departments nationwide.
5/20/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration May 28, 2002.

020870 **[Calendar Item No. 020626]**
**Supervisor Yee**

Motion to direct the Clerk of the Board to calendar a motion that would order File No. 020626 returned to the Board.
5/20/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020871 **[Scheduling of Certain Agreements in Committee]**
**Supervisor Ammiano**

Motion adding Rule 5.42 to the Rules of Order of the City and County of San Francisco to prohibit Committee chairs from scheduling for consideration proposed agreements that include substantial penalties for Board disapproval of such agreements when City Departments, Commissions, or other City Officials have failed to obtain prior approval from the Board of Supervisors to negotiate such proposed provisions.
5/20/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020872 **[Scheduling Items on Committees and Consent Agendas]**
**Supervisor Ammiano**

Motion amending Rule 5.40 of the Rules of Order of the Board of Supervisors of the City and County of San Francisco to provide additional guidelines for scheduling items on consent agendas in Board Committee meetings.
5/20/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

## Charter Amendments

020881 **[Charter Amendment - Civilianization of Police Positions]**
**Supervisor Peskin**

Charter amendment (First Draft) to amend Section 4.127 to allow the Charter-imposed minimum number of full duty sworn officers to be reduced where the Director of the Department of Human Resources, the Budget Analyst, the Controller and the Chief of Police jointly certify that the replacement of full duty sworn officers with civilians in one or more of the positions currently occupied by full duty sworn officers will result in demonstrable cost savings and not impair the Police Department's ability to protect the public, and the Mayor proposes and the Board approves, such a reduction.
5/20/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/19/2002.

**020882** **[Charter Amendment - Public Advocate]**
**Supervisor McGoldrick**

Charter amendment (First Draft) to amend Section 6.100 and adding Section 6.108 to create the Auditor General.
5/20/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/19/2002.

**020883** **[Charter Amendment - Authority to Appoint the Director of Public Works]**
**Supervisor Gonzalez**

Charter amendment (First Draft) to amend Sections 3.104 and 4.130 and add a new Section 4.130-1 to transfer the authority to appoint the Director of Public Works from the City Administrator to the Mayor, set forth specific duties for the Department of Public Works, and to establish a Public Works Commission consisting of eleven members appointed by the Board of Supervisors to oversee the Department of Public Works.
5/20/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/19/2002.

**020884** **[Charter Amendment - Board of Supervisors]**
**Supervisor Gonzalez**

Charter amendment (First Draft) to amend Section 2.100 to provide that the job of a member of the Board of Supervisors of the City and County of San Francisco is a full time position, and to provide that the Supervisors' salary will be set by the Civil Service Commission once every five (5) years. The Civil Service Commission will consider salaries in other California City Councils and County Boards of Supervisors, and may also consider the Consumer Price Index (CPI).
5/20/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/19/2002.

**020885** **[Charter Amendment - Parental Leave Compensation]**
**Supervisors Daly, Gonzalez**

Charter amendment (First Draft) to add Section A8.365 regarding compensation during parental leave.

(Fiscal impact.)
5/20/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/19/2020.

**020886** **[Charter Amendment - Homeless Policy]**
**Supervisor Daly**

Charter Amendment (First Draft) to add Section 2.105-1 require a vote of not less than two-thirds (2/3) of the members of the Board of Supervisors to change any enactment regarding homeless policy or services within the same any fiscal year in which such enactment was adopted; to add Section 4.132 to establish a Local Homeless Coordinating Board to advise the Mayor and the Board of Supervisors on the development, implementation and evaluation of homeless policy, and to amend Section 10.104 to authorize not more than five (5) staff members for the Local Homeless Coordinating Board who shall be exempt from civil service rules.
5/20/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/19/2002.

020887 **[Charter Amendment - Changes to Public Utilities related to water and sewer]**
**Supervisor Ammiano**

Charter Amendment (First Draft) to repeal sections 4.112, 16.103, and A8.508, to amend sections 9.107, 13.101, and A8.500, and add a new Chapter 8B, to: (1) eliminate the Public Utilities Commission; (2) form a Municipal Water and Power Agency, which shall succeed to all powers and responsibilities of the Public Utilities Commission and, for the generation, sale and transmission of electricity, steam and other energy and for proposing ordinances setting energy and water efficiency goals and standards to the Board of Supervisors; (3) adopt a two year budget; and, (4) permit the transfer of excess surplus utility funds to the City's General Fund after 5 years only upon a two-thirds vote of the Board of Supervisors.

(Fiscal impact.)
2/20/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/19/2002.

020888 **[Charter Amendment - Assistance to Elections Department]**
**Supervisor Ammiano**

Charter amendment (First Draft) Clarifying that Charter section 13.104.5 does not prohibit City personnel from providing to the Department of Elections services that are indistinguishable from services provided to other City departments and unrelated to the conduct of elections; authorizing the Board of Supervisors to grant a waiver, applicable before, during and after election day, to the prohibition on use of City employees; eliminating the requirement that, prior to seeking a waiver from the Board of Supervisors, the Elections Commission make a finding that the Department of Elections will not have adequate staffing to conduct an election without the waiver; and specifying that the Sheriff is responsible for transporting voted ballots and other documents and devices used to record votes from the polls to the central counting location and approving a security plan.
5/20/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/19/2002.

### Introduced by the President at the Request of Departments

## PROPOSED ORDINANCES

020471 **[Increasing the Annual Residential Rent Ordinance Fee to a maximum of $27.00 per unit]**
Ordinance amending Administrative Code Chapter 37A "Residential Rent Stabilization and Arbitration Fee" by amending Sections 37A.2 and 37A.6 to increase the maximum annual residential rent ordinance fee from $19 per unit in fiscal year 2000-2001 or $16 per unit in other years, to $27.00 per unit. (Rent Stabilization and Arbitration Board)

4/10/02, RECEIVED AND ASSIGNED to Finance Committee. Department requests this item be scheduled for consideration as soon as possible.

4/23/02 - Supervisor Ammiano waived the 30-day rule.

5/13/02, SUBSTITUTED. Residential Rent Stabilization and Arbitration Board submitted a substitute ordinance bearing new title.

5/13/02, ASSIGNED to Finance Committee.

**020825** **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Marvin Sexton, Jr. against the City and County of San Francisco for $76,000; the lawsuit was filed on November 15, 2000 in United States District Court, Northern District of California, Case No. C 01-0930 WHA; entitled Marvin Sexton, Jr., v. City and County of San Francisco. (City Attorney)

(Public Benefit Recipient.)
5/15/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

## PROPOSED RESOLUTIONS

**020778** **[Official Advertising]**

Resolution designating the San Francisco Independent to be the official newspaper of the City and County of San Francisco for the category of non-consecutive day official advertising, for the fiscal year commencing July 1, 2002 and ending June 30, 2003. (Purchaser)
5/15/02, RECEIVED AND ASSIGNED to Finance Committee.

**020779** **[Outreach Advertising]**

Resolution designating the Asian Week to be outreach newspaper of the City and County of San Francisco for the Chinese community and El Reportero to be outreach newspaper of the City and County of San Francisco for the Hispanic community, for outreach advertising for the fiscal year commencing July 1, 2002 and ending June 30,2003. (Purchaser)
5/15/02, RECEIVED AND ASSIGNED to Finance Committee.

**020820** **[Accept-Expend State Used Oil Recycling Block Grant, Eighth Cycle, Fiscal Year 2002/2003]**
**Supervisors Daly, Sandoval**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $361,023.00 from the California Integrated Waste Management Board for the purpose of increasing Used Motor Oil Recycling and Household Hazardous Waste Management. (Environment)
5/15/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020826** **[Lease of Real Property]**

Resolution authorizing a new lease of real property at 68 12th Street on behalf of the Department of Public Health, Emergency Medical Services. (Real Estate Department)

(Public Benefit Recipient; District 6.)
5/15/02, RECEIVED AND ASSIGNED to Finance Committee.

## Requests Granted

*From: Supervisor Yee*
*To: Director, Department of Public Health*
*Requesting/Inquiring: That the Directors of Public Health, Mental Health, and Children's Mental Health conduct a review of acts of suicide among teenage students in order to:*
*1. Ascertain and inform the Board concerning the incidence of self-violence and self-destructive behavior among teenage students.*
*2. Analyze and present the causes of this self-destructive behavior.*
*3. Provide information regarding current services available to assist behavior.*
*4. Review current City and County protocols and structures relating to assisting teenage students suffering from depression in a timely and proactive manner, and recommend necessary changes to these protocols, structures and services.*
*5. Analyze and explain the role of depression in the behavior of teenage students, and how the efforts of depression can be mitigated or ameliorated.*
*6. Understand how depression and stress may be manifested differently depending on cultural and ethnic differences.*
*7. Examine the capability of the City and County to assist and support teenage students suffering from depression, who may be subject to such self-destructive behavior.*
*8. Present recommendations to reduce, and ultimately to prevent such self-destructive behavior among teenage students.*
*Due: A reply to this inquiry is requested within thirty days.*

*From: Supervisors Leno, Daly*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation requiring that all legislative proposals related to homelessness be referred to and heard by the Local Homeless Coordinating Board before they are scheduled at a Board of Supervisors Committee hearing.*

*From: Supervisor Daly*
*To: Controller*
*To: Budget Analyst*
*Requesting/Inquiring: That the Controller and Budget Analyst provide any fiscal or management audits conducted of the War Memorial Board of Trustees.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Ruth Vivian Paulson (Entire Board)*
*Kelly Nguyen Trinh (Supervisor Ammiano)*
*Tom Gilder (Supervisor Leno)*
*Keith Fraizer (Supervisor Hall)*
*Chief Thomas Francis Murphy, Jr. (Supervisor Hall)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 4:35 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on July 29, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

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# BOARD OF SUPERVISORS
# CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689*

# MEETING MINUTES

DOCUMENTS DEPT.
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**Tuesday, May 28, 2002 2:00 PM**

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

**Regular Meeting**

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*TOM AMMIANO, PRESIDENT
CHRIS DALY, MATT GONZALEZ, TONY HALL, MARK LENO,
SOPHIE MAXWELL, JAKE McGOLDRICK, GAVIN NEWSOM,
AARON PESKIN, GERARDO SANDOVAL, LELAND Y. YEE*

***Gloria L. Young, Clerk of the Board***

## BOARD COMMITTEES

| Committee Membership | Meeting Days |
|---|---|
| **Budget Committee**<br>Supervisors Maxwell, Peskin, Yee, Ammiano, McGoldrick | 2nd, 3rd and 4th Tuesday<br>10:00 AM |
| **City and School District Committee**<br>Supervisor Ammiano, Supervisor Leno, Commissioner Wynns, Commissioner Mar | 3rd Wednesday<br>3:00 PM |
| **Finance Committee**<br>Supervisors Peskin, Daly, Ammiano | Wednesday<br>12:30 PM |
| **Health and Human Services Committee**<br>Supervisors Daly, Leno, Gonzalez | 1st and 3rd Thursday<br>1:00 PM |
| **Neighborhood Services and Recreation Committee**<br>Supervisors Newsom, Leno, McGoldrick | 2nd and 4th Thursday<br>2:00 PM |
| **Public Works and Public Protection Committee**<br>Supervisors Sandoval, Yee, Gonzalez | 1st and 3rd Tuesday<br>10:00 AM |
| **Rules and Audits Committee**<br>Supervisors Hall, Gonzalez, Sandoval | 1st and 3rd Tuesday<br>1:00 PM |
| **Transportation and Commerce Committee**<br>Supervisors McGoldrick, Hall, Ammiano | 2nd and 4th Thursday<br>9:30 AM |

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 97 Number 21

**Members Present:** Tom Ammiano, Chris Daly, Matt Gonzalez, Tony Hall, Mark Leno, Sophie Maxwell, Jake McGoldrick, Gavin Newsom, Aaron Peskin, Gerardo Sandoval, Leland Y. Yee.

# ROLL CALL AND PLEDGE OF ALLEGIANCE

*The Board of Supervisors of the City and County of San Francisco met in regular session on the above date with President Tom Ammiano presiding.*

*The meeting was called to order at 2:00 p.m. On call of the roll, the following Supervisors were noted absent:*

*Supervisors Daly, Maxwell, Sandoval - 3.*

*Quorum present.*

*Supervisor Daly was noted present at 2:06 p.m.*

*Supervisor Maxwell was noted present at 2:02 p.m.*

*Supervisor Sandoval was noted present at 2:02 p.m.*

# AGENDA CHANGES

*The President inquired if there were any changes to the agenda members were aware of which needed to be continued, tabled, or considered differently.*

*There were none.*

# CONSENT AGENDA

## Recommendations of the Finance Committee

**020191** **[Supplemental Appropriation, Board of Supervisors]**
**Supervisor Daly**

Ordinance releasing the $500,000 Finance Committee Reserve for the Transbay Terminal Study and reappropriating the same from the Planning Department to the Board of Supervisors for fiscal year 2001-02.

(Fiscal impact.)

**Ordinance No.** 83-02
**FINALLY PASSED**

**020490** **[Gift - South (Murphy) Windmill in Golden Gate Park]**
**Supervisors McGoldrick, Hall, Sandoval, Newsom, Maxwell**

Ordinance authorizing the Recreation and Park Department to negotiate and enter into sole-source contracts with Lucas Verbij, Hoogmade/BV, Netherlands, and Mark De Jong, Bloemendal Construction Company, San Francisco for restoration of the South (Murphy) Windmill in Golden Gate Park and accepting a gift of funds from the Campaign to Save the Golden Gate Park Windmills.

(Fiscal impact.)

**Ordinance No.** 87-02
**FINALLY PASSED**

## Recommendations of the Health and Human Services Committee

**020661** **[Authorizing DPH to enter into a contract with STANFORD for research services]**
Resolution authorizing the San Francisco Department of Public Health, Community Health Network of San Francisco, Laguna Honda Hospital (CHN, LHH) to enter retroactively into an agreement which includes an indemnification clause, with The Board of Trustees of the Leland Stanford Junior University (STANFORD), the primary contractor, and expend funds in the amount of $2,500 for research services, for the period of September 1, 2001 to June 30, 2002. (Public Health Department)

**Resolution No.** 327-02
**ADOPTED**

**020662** **[Mental health services to HIV positive women and their adult family members]**
Resolution authorizing the San Francisco Department of Public Health, HIV Mental Health Program at the Center for Special Problems (SFDPH, CSP) to enter retroactively into an agreement in the amount of $18,450 with The Regents of the University of California San Francisco (UCSF), the primary contractor, to provide outpatient mental health services to women who have HIV and their adult family members, for the period of August 1, 2001 to July 31, 2002. (Public Health Department)

**Resolution No.** 328-02
**ADOPTED**

## Recommendations of the Public Works and Public Protection Committee

020517 **[Grant - Police Department Local Forensic Laboratory Improvement Program]**

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend grant funds made available through the Governor's Office of Criminal Justice Planning (OCJP) for a project entitled, "Local Forensic Laboratory Improvement Program (LFLIP)". (Police Department)

Resolution No. 349-02
**ADOPTED**

020624 **[Grant - Community Gun Violence Prosecution Program]**

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively accept and expend a grant in the amount of $360,000 through the United States Department of Justice, Bureau of Justice Assistance, for a project entitled "Community Gun Violence Prosecution Program", and waiving indirect costs due to funding constraints. (District Attorney)

Resolution No. 353-02
**ADOPTED**

## Recommendation of Rules and Audits Committee

020671 **[Appointment]**

Resolution appointing Dr. Philip R. Day, Jr., Edward Harrington, Sarah Hart, Leo Fermin, and Richard Sullivan, terms ending June 5, 2005, to the Treasury Oversight Committee.

Dr. Philip R. Day, Jr., succeeding himself, term expired, seat 1, must be the Chancellor of the Community College District or his/her designee, for the unexpired portion of a four year term expiring June 5, 2005;
Edward Harrington, succeeding himself, term expired, seat 2, must be the County Controller, for the unexpired portion of a four year term expiring June 5, 2005;
Sarah Hart, succeeding Enrique Navas, term expired, seat 3, must be the County Superintendent of Schools or his/her designee, for the unexpired portion of a four year term expiring June 5, 2005;
Leo Fermin, succeeding himself, term expired, seat 4, must represent the public at large, for the unexpired portion of a four year term expiring June 5, 2005;
Richard Sullivan, succeeding himself, term expired, seat 5, must represent the public at large, for the unexpired portion of a four year term expiring June 5, 2005.

Resolution No. 355-02
**ADOPTED**

## Recommendations of the Transportation and Commerce Committee

012133 **[Pedestrian Safety Advisory Committee]**

**Supervisors McGoldrick, Ammiano, Leno, Maxwell, Peskin, Sandoval, Yee, Daly, Newsom**

Ordinance amending Chapter 5 of the San Francisco Administrative Code by adding Article IV Sections 5.20 and 5.21 establishing a Pedestrian Safety Advisory Committee.

Ordinance No. 85-02
**FINALLY PASSED**

**020054** **[Parking Regulations, portions of Clay and Laurel Street]**
**Supervisor Newsom**

Ordinance adding Section 32.6.31 to the San Francisco Traffic Code, regarding parking regulations on portions of Clay and Laurel Street. (Parking and Traffic Department)

(4/11/02 Categorically Exempt from Environmental Review - existing highways and streets)

**Ordinance No.** 86-02
**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**
Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Daly

## Severed from Consent Agenda

## Recommendation of the Health and Human Services Committee

**020543** **[Grant - District Attorney's REACT Task Force for the Investigation and Prosecution of High Technology Crimes]**
**Supervisor Leno**

Resolution authorizing the District Attorney to retroactively accept and expend a grant in the maximum amount of $75,000 per year from the California Office of Criminal Justice Planning for investigation and prosecution of high technology crimes. (District Attorney)

*Supervisor Sandoval requested this matter be severed so it could be considered separately.*

**Resolution No.** 350-02
**ADOPTED by the following vote:**
Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Absent: 1 - Daly

# REGULAR AGENDA

# UNFINISHED BUSINESS

## Recommendation of the Finance Committee

020535 [Unrepresented Employees]
Mayor

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2002. (Mayor)

(Fiscal impact.)

*Supervisor Ammiano moved an amendment of the whole bearing the same title.*

**Supervisor Yee, seconded by Supervisor Peskin, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2002. (Mayor)

(Fiscal impact.)

*Supervisor Yee requested this matter be heard by a committee of the whole on June 3, 2002.*

**Supervisor Yee, seconded by Supervisor Peskin, moved that this Ordinance be CONTINUED AS AMENDED ON FIRST READING. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## From Transportation and Commerce Committee Without Recommendation

**011729 [Residential Parking Permits]**
**Supervisor Newsom**

Ordinance amending San Francisco Traffic Code Section 308 to limit the number of residential parking permits issued to a single address. (Parking and Traffic Department)

(4/15/02 Categorically Exempt from Environmental Review - non-physical exemption)

*Supervisor McGoldrick, seconded by Supervisor Newsom, moved an amendment of the whole bearing the same title.*

*Supervisor Hall, seconded by Supervisor Newsom, moved further amendment to define households as to not penalize households of more than four people.*

**Supervisor McGoldrick, seconded by Supervisor Newsom, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 8 - Ammiano, Daly, Hall, Leno, Maxwell, McGoldrick, Newsom, Yee
Noes: 3 - Gonzalez, Peskin, Sandoval

*Supervisor Hall, seconded by Supervisor Newsom, moved further amendment to define households as to not penalize households of more than four people.*

**Supervisor Hall, seconded by President Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# NEW BUSINESS

## Recommendations of the Health and Human Services Committee

**020300 [Public Toilets]**

**Supervisors Hall, Daly, Newsom**

Resolution urging the Mayor to request that the Department of Public Works, the Recreation and Park Department and any other city departments with public restrooms to open such facilities and to the greatest extent possible establish new public restroom facilities.

*Supervisors Daly, Newsom requested to be added as co-sponsors.*

*Supervisor Hall requested this matter be continued to June 17, 2002.*

**Supervisor Hall, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020399 [Grant - Public Utilities Commission]**

**Supervisor Newsom**

Resolution authorizing the Department of Public Utilities Commission to accept and expend a grant in the amount of $75,000 from the Environmental Protection Agency for a feasibility study on decentralized wastewater treatment at the Hunters Point Naval Shipyard; placing $75,000 on reserve. (Public Utilities Commission)

**Resolution No.** 347-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020566** **[Grant - Public Defender's Office]**
**Supervisor Maxwell**

Resolution authorizing the Public Defender's Office to accept and expend a grant in the amount of $160,000 from the Governor's Office of Criminal Justice planning to help indigent inmates file motions to establish their innocence.

Resolution No. 351-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020598** **[Homeless Seniors]**
**Supervisor Daly**

Resolution endorsing the creation of Homeless Shelters, transitional housing strategies and housing solutions appropriate for senior homeless populations within the City and County of San Francisco.

*Supervisor McGoldrick moved to amend page 2, line 4-5, to place the following phrase in quotes "in by 10 p.m., out by 8 a.m. hauling your belongings with you". On page 2, line 5, replace the work "you" with "you"" . On page 1, line 13, replace the words "range from $320 to $394" with "range from $320 to $395".*
**Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Resolution be AMENDED. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*Supervisor Leno requested to be added as co-sponsor.*
Resolution No. 352-02
**ADOPTED AS AMENDED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020762** **[Directing the Clerk of the Board to Distribute Reports]**
**Supervisor Daly**

Motion directing the Clerk of the Board to distribute reports requested by the Board of Supervisors from the Controller, Budget Analyst and Legislative Analyst on homeless expenditures and best practices to various City departments heads, elected officials and other policymakers.

Motion No. M02-81
**APPROVED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendation of the Public Works and Public Protection Committee

**020268** **[Requiring the Airport Commission to submit settlements and claims related to construction contracts in excess of $100,000 to the Board of Supervisors for approval]**
**Supervisors Sandoval, Peskin**

Ordinance amending Administrative Code Sections 10.25-10 and 10.25-11 to eliminate the exemption from Board of Supervisors approval for settlements of construction contracts under the jurisdiction of the Airport Commission, and making such settlements in excess of $100,000 subject to approval by the Board of Supervisors.

*Supervisor Peskin requested to be added as co-sponsor.*
**PASSED, ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Recommendations of the Rules and Audits Committee

**012130** **[Regulation of Mass Mailings]**
**Supervisors Leno, McGoldrick**

Ordinance amending Article I, Chapter 1 of the San Francisco Campaign and Governmental Conduct Code by amending section 1.161 to require candidates who pay for mass mailings to file, within five working days after the date of the mailing, an itemized disclosure statement with the San Francisco Ethics Commission.

*Supervisor McGoldrick requested to be added as co-sponsor.*
**PASSED, ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020596** **[Candidate Qualification Statements]**
**Supervisor Gonzalez**

Ordinance amending the Municipal Elections Code to permit candidates for Assessor-Recorder and Public Defender who qualify for a runoff election to submit a new candidate qualification statement for the runoff election.

**PASSED, ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020637** **[Establishing a San Francisco Museum and Historical Society Advisory Committee]**
**Supervisors Peskin, Leno, Newsom**

Ordinance amending Article VIII of the San Francisco Administrative Code by adding Section 2A.166 to establish the San Francisco Museum and Historical Society Advisory Committee as an advisory committee to the Board of Supervisors and the Board of Trustees of the Fine Arts Museums of San Francisco.

*Supervisors Leno, Newsom requested to be added as co-sponsors.*
**PASSED, ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020351 **[Small School Policy]**
**Supervisors Gonzalez, Sandoval, Leno, McGoldrick, Daly**

Resolution supporting the San Francisco Board of Education's resolution establishing an autonomous small school policy for the San Francisco Unified School District.

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 348-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020679 **[Reappointment of Ramon Romero to the San Francisco Redevelopment Agency]**
**Mayor, Supervisor Daly**

Resolution confirming the reappointment of Ramon Romero to the San Francisco Redevelopment Agency for the remainder of a four-year term ending September 3, 2005. (Mayor)

*Supervisor Daly requested to be added as co-sponsor.*

**Resolution No.** 354-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020710 **[Settlement of Claim]**

Resolution approving the settlement of the unlitigated claim filed by June Crabtree against San Francisco for $100,000; claim was filed on March 29, 2001. (City Attorney)

**Resolution No.** 358-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020670 **[Board Off-site Meetings]**
**Supervisor Ammiano**

Motion ordering the City and School District Committee meeting of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on June 19, 2002 at 3:00 P.M.; and directing the Clerk of the Board to prepare the proper notices and postings.

**Motion No.** M02-87

**APPROVED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020676 **[Amending the Board's Process for Considering Appointments to the Planning Commission and the Board of Appeals]**

Motion amending Rule 2.31 of the Rules of Order of the Board of Supervisors of the City and County of San Francisco to amend the process for the Board's consideration of appointments to the Planning Commission and the Board of Appeals, consistent with Charter Sections 4.105 and 4.106. (Clerk of the Board)

(Requires eight votes to pass.)

**Motion No.** M02-80

**APPROVED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# COMMITTEE REPORTS

## From Finance Committee

**020755** **[Pension Buy-Backs-Rollovers/Transfers]**
**Supervisor Daly**

Ordinance authorizing the Retirement System to accept rollovers and transfers from qualified and non-qualified tax plans for buybacks. (Retirement System)

(Requires nine votes to pass.)

**PASSED ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020708** **[Lease of Real Property]**
**Supervisors Peskin, Daly**

Resolution authorizing the lease of 18,862 sq. ft. of space at 1740 Folsom Street for the Sheriff's Department to consolidate training facilities. (Real Estate Department)

(Fiscal impact; Public Benefit Recipient; District 6.)

**Resolution No.** 356-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020709** **[Lease of Real Property]**
**Supervisors Peskin, Daly**

Resolution authorizing the lease of 4,997 sq. ft. of space at 555 7th Street to the San Francisco PreTrial Diversion Project. (Real Estate Department)

(Public Benefit Recipient; District 6.)

**Resolution No.** 357-02
**ADOPTED by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020704** **[Appropriating Funding for Moving the Sheriff to 1740 Folsom Street]**
**Supervisors Peskin, Daly**

Ordinance appropriating $351,858 from Federal funding for housing prisoners for one-time expenses associated with moving the Sheriff's training and other departmental services to 1740 Folsom Street fiscal year 2001-02. (Controller)

(Fiscal impact.)

**PASSED, ON FIRST READING by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020761 **[Certification to Accompany Application for State Grant for Excelsior Library Renovation]**
**Supervisor Sandoval**

Resolution certifying project budget, local funding, supplemental funding and public library operations pursuant to the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000. (Public Library)

*Supervisor Sandoval requested to be added as sponsor.*

Resolution No. 346-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## From Health and Human Services Committee

020727 **[Endorsing the Health Commission Position on Budget Cuts]**
**Supervisors Daly, McGoldrick, Gonzalez, Sandoval, Ammiano**

Resolution endorsing the position of the San Francisco Health Commission that cuts in the budget for the Department of Public Health are unwise, and urging the Mayor's Budget Office to submit a June Ist budget that includes full funding for the Health Department, including funding for "add-backs" and full funding for HIV/AIDS programs.

*Supervisor Leno moved to amended the title on page 1, line 7, after the words "HIV/AIDS programs" by adding "recognizing that any identified waste, duplication or inefficiencies would be exempt from this request".*

**Supervisor Leno, seconded by Supervisor Daly, moved that this Resolution be AMENDED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Resolution endorsing the position of the San Francisco Health Commission that cuts in the budget for the Department of Public Health are unwise, and urging the Mayor's Budget Office to submit a June 1st budget that includes full funding for the Health Department, including funding for "add-backs" and full funding for HIV/AIDS programs recognizing that any identified waste, duplication or inefficiencies would be exempt from this request.

Resolution No. 359-02

**ADOPTED AS AMENDED by the following vote:**

Ayes: 6 - Ammiano, Daly, Gonzalez, Leno, McGoldrick, Sandoval
Noes: 5 - Hall, Maxwell, Newsom, Peskin, Yee

# PUBLIC COMMENT

*Abdallah Megahed, homelessness;*
*Frederick Hobson;*
*Yom Leghnan, fiscal practice, pay increase for supervisors;*
*John Bardis, Mayor's budget;*
*Rich Robertson, funds for Rescue Mission;*
*Khoi Nguyen , General Hospital to prevent closure of Renal Center;*
*Rudy Rodriquez, General Hospital to prevent closure of Renal Center;*
*Male speaker, homelessness, film society.*

# APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

*These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.*

**020763** **[Legislative Analyst Request]**
**Supervisor Daly**

Motion asking the Legislative Analyst to prepare a study to identify the most appropriate role of law enforcement in addressing homelessness, specifically focused on how misdemeanors and infractions is advisable, appropriate diversion programs or innovative approaches, and the cost of using law enforcement to respond to homeless people.

**Motion No.** M02-112

**APPROVED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

**020869** **[Legislative Analyst Request]**
**Supervisor Newsom**

Motion asking the Legislative Analyst to prepare a report comparing the policies, best practices and procedures of the top performing homicide and robbery divisions of large city Police Departments nationwide.

**Motion No.** M02-93

**APPROVED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# CLOSED SESSION

# CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation

020898 **[Anticipated Litigation with City as Plaintiff]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation where City is anticipated to be Plaintiff.

This closed session would be permitted by California Government Code Section 54956.9(c) and San Francisco Administrative Code Section 67.10(d)(2). (City Attorney)

**Supervisor Leno, seconded by Supervisor Daly, moved to convene in closed session. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*Recess*

*The Board recessed at the hour of 3:50 p.m. to convene in closed session pursuant to the above motion.*

*Reconvening of the Board*

*The Board at the hour of 4:55 p.m. reconvened.*

*Calling the Roll*

*On call of the roll, the following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee - 11.*

*Quorum present.*

*Report on Closed Session*

*Deputy City Attorney John Kennedy reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.*

*Persons in attendance:*
*Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee;*
*Dennis J. Herrera, City Attorney;*
*John Kennedy, Deputy City Attorney;*
*Therese Stewart, Deputy City Attorney;*
*Jo Hoejaer, Deputy City Attorney;*
*Edward Harrington, Controller;*
*John Martin, Director, San Francisco Airport;*
*Gloria L. Young, Clerk of the Board;*
*Victor Young, Assistant Clerk.*

*The meeting was informational only and no action was taken.*

**HEARD IN CLOSED SESSION by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## CONFERENCE WITH CITY ATTORNEY - Existing Litigation

**020840 [Existing Litigation - Pacific Gas and Electric Company]**
**Supervisor Maxwell**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following bankruptcy matter (Chapter 11) in which the City and County of San Francisco is an active participant:

In Re: PACIFIC GAS AND ELECTRIC COMPANY, Debtor
U. S. Bankruptcy Court, Northern District of California, No. 01-30923 DM
Federal I. D. No. 94-0742640
Date Filed: 4/6/01

This closed session would be permitted by California Government Code Section 54956.9(c), and San Francisco Administrative Code Section 67.10(d)(2). (City Attorney)

**Supervisor Leno, seconded by Supervisor Daly, moved to convene in closed session. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*Recess*

*The Board recessed at the hour of 3:50 p.m. to convene in closed session pursuant to the above motion.*

*Reconvening of the Board*

*The Board at the hour of 4:55 p.m. reconvened.*

*Calling the Roll*

*On call of the roll, the following Supervisors were noted present: Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee - 11.*

*Quorum present.*

*Report on Closed Session*

*Deputy City Attorney John Kennedy reported that the Board of Supervisors has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the above pending litigation.*

*Persons in attendance:*
*Supervisors Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee;*
*John Kennedy, Deputy City Attorney;*
*Joanne Sakai, Deputy City Attorney;*
*Theresa Mueller, Deputy City Attorney;*
*Cameron Baker, Deputy City Attorney;*
*Edward Harrington, Controller;*
*Gloria L. Young, Clerk of the Board;*
*Victor Young, Assistant Clerk.*

*The meeting was informational only and no action was taken.*

**HEARD IN CLOSED SESSION by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020891 **[Existing Litigation - One Market Plaza]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following two property tax cases in which the City and County of San Francisco is an active participant:
IBM Personal Pension Plan v. the City and County of San Francisco and the Assessment Appeals Board for the City and County of San Francisco;
San Francisco Superior Court, Case No. 404897; date filed: 2/25/02.

City and County of San Francisco v. Assessment Appeals Board of the City and County of San Francisco (IBM Personal Pension Plan, Real Party In Interest);
San Francisco Superior Court, Case No. 500887; date filed 5/10/02.

This closed session would be permitted by California Government Code Section 54956.9(c) and San Francisco Administrative Code Section 67.10(d)(2). (City Attorney)

*Supervisor Ammiano requested this item be continued to June 3, 2002.*

**President Ammiano, seconded by Supervisor Daly, moved that this Litigation be CONTINUED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.*

**Supervisor Peskin, seconded by Supervisor McGoldrick, moved not to disclose its closed session deliberations. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.*

020857 **[Recognizing the achievements at Thurgood Marshall Academic High School]**

**Supervisors Yee, Newsom**

Resolution recognizing the accomplishments and achievements of the students, faculty and administration at Thurgood Marshall Academic High School in San Francisco.

*Supervisor Newsom requested to be added as co-sponsor.*

Resolution No. 361-02

**ADOPTED**

**020858 [Urging the SF Board of Education to Support Resolution No. 21-22A7]**
**Supervisors Maxwell, Daly, Leno, Peskin**

Resolution urging the Board of Education to support Resolution No. 21-22A7, in support of health, psychological and social services for children of the San Francisco Unified School District.

*Supervisors Daly, Leno, Peskin requested to be added as co-sponsors.*
**Resolution No.** 362-02
**ADOPTED**

**020859 [Healthy Families Program]**
**Supervisors Yee, McGoldrick, Daly, Leno, Peskin, Maxwell**

Resolution urging Governor Gray Davis to reconsider postponing expansion of the Healthy Families Program.

*Supervisors McGoldrick, Daly, Leno, Peskin, Maxwell requested to be added as co-sponsors.*
**Resolution No.** 363-02
**ADOPTED**

**020861 [Urging the U.S. Congress to adopt Wild Heritage Wilderness Act of 2002]**
**Supervisors Leno, Peskin, Daly, Maxwell, McGoldrick, Sandoval**

Resolution urging the U.S. Congress to adopt and President Bush to sign Senator Barbara Boxer's California Wild Heritage Wilderness Act of 2002.

*Supervisor Sandoval requested to be added as co-sponsor.*
**Resolution No.** 364-02
**ADOPTED**

**020862 [Prevent closure of the SF General Hospital Renal Center]**
**Supervisors Yee, Sandoval, Daly, Peskin, Maxwell**

Resolution seeking to prevent closure of the San Francisco General Hospital Renal Center.

*Supervisors Sandoval, Daly, Peskin, Maxwell requested to be added as co-sponsors.*
**Resolution No.** 372-02
**ADOPTED**

**020863 [Commending Balboa High School]**
**Supervisor Sandoval**

Resolution commending Balboa High School for winning the "Best Roundtable" award at the San Francisco Public Utilities Commission Environmental Summit.

**Resolution No.** 365-02
**ADOPTED**

020864 **[Commending Ben Wildman-Tobriner]**
**Supervisors Sandoval, Hall, Newsom**

Resolution commending Ben Wildman-Tobriner for setting a new North Coast Section swimming record in the 50-yard freestyle.

*Supervisors Daly, Newsom requested to be added as co-sponsors.*

**Resolution No.** 366-02
**ADOPTED**

020865 **[Commending Partners Ending Domestic Abuse]**
**Supervisors Leno, Newsom, Maxwell, Peskin, Daly, McGoldrick, Yee, Sandoval, Hall**

Resolution commending Partners Ending Domestic Abuse, a non-profit volunteer organization, and declaring June 5, 2002 Partners Ending Domestic Abuse Day in San Francisco.

*Supervisor Sandoval requested to be added as co-sponsor.*

**Resolution No.** 367-02
**ADOPTED**

020866 **[Commending Congregation Sha'ar Zahav]**
**Supervisors Leno, Peskin, Daly, Ammiano, Sandoval, McGoldrick, Newsom**

Resolution commending Congregation Sha'ar Zahav for their contributions to the San Francisco Jewish community over the past 25 years.

*Supervisors Sandoval, McGoldrick, Newsom requested to be added as co-sponsors.*

**Resolution No.** 368-02
**ADOPTED**

020867 **[Commending Theatre Rhinoceros]**
**Supervisors Leno, Ammiano, Daly, Peskin, Sandoval, McGoldrick, Newsom**

Resolution commending Theatre Rhinoceros for their educational and artistic contributions to the San Francisco cultural and LGBT communities over the past 25 years.

*Supervisors Sandoval, McGoldrick, Newsom requested to be added as co-sponsors.*

**Resolution No.** 369-02
**ADOPTED**

020868 **[Commending John O' Connell High School]**
**Supervisors Daly, Sandoval, Newsom**

Resolution commending students at John O'Connell High School on the occasion of being named "Best Group Presentation" at the San Francisco Public Utilities Commission Environmental Summit for Youth.

*Supervisors Sandoval, Newsom requested to be added as co-sponsors.*

**Resolution No.** 370-02
**ADOPTED**

**020841** **[Needle Exchange Emergency]**
**Supervisors Ammiano, Newsom, Yee, Leno, Daly, Peskin, McGoldrick, Maxwell**

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Motion No. M02-82
**APPROVED**

**020850** **[Final Map for a 7 Unit Commercial / Residential Condominium Project]**
**Supervisor Maxwell**

Motion approving Final Map of 2546 3rd Street a Commercial / Residential Condominium Project, being a subdivision of Lots 8 and 9 in Assessor's Block No. 4172, and adopting findings pursuant to City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 173,538; District 10.)

Motion No. M02-79
**APPROVED**

**020899** **[Suspend Rule 2.28.1 Regarding the Requirement for Introduction of a Proposed Charter Amendment at a Regular Board Meeting Not Less than 169 days Prior to an Election]**
**Supervisor Ammiano**

Motion to suspend Board of Supervisors Rules of Order, Rule 2.28.1, pursuant to Rule 4.37, to permit the introduction of a proposed Charter amendment to amend Appendix A8.506-2 relating to retirement benefits for miscellaneous safety employees.

Motion No. M02-84
**APPROVED**

**The foregoing items were acted upon by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

## Severed from for Adoption Without Committee Reference

**020860** **[Expressing grave concern about the recent KPIX Channel 5 news series focused on Chinese Restaurants in San Francisco]**
**Supervisors Peskin, McGoldrick, Daly**

Resolution condemning negative stereotyping of Asian-Americans perpetuated by recent KPIX coverage and their unfair, unbalanced and irresponsible series on unsanitary conditions inside Chinese restaurants in San Francisco, and urging KPIX to immediately cease airing the series until KPIX pursues fair and balanced coverage of this issue.

*Supervisor Peskin requested this matter be severed so it could be considered separately.*

*Supervisor Peskin presented an amendment of the whole.*

**Supervisor Peskin, seconded by Supervisor Daly, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

Resolution expressing grave concern about negative stereotyping of Asian-American restaurants perpetuated by recent KPIX coverage and its unbalanced series on unsanitary condition inside Chinese Restaurants in San Francisco.

*Supervisor Newsom requested this matter be continued to June 3, 2002.*

**Supervisor Newsom, seconded by Supervisor Daly, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

020870 **[Calendar Item No. 020626]**
**Supervisor Yee**

Motion to direct the Clerk of the Board to calendar a motion that would order File No. 020626 returned to the Board.

*Supervisor Daly requested this matter be severed so it could be considered separately.*

**Motion No.** M02-83

**APPROVED by the following vote:**

Ayes: 10 - Ammiano, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
Noes: 1 - Daly

## IMPERATIVE AGENDA

*Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.*

*[Purely Commendatory Finding]*
*Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.*

**Supervisor Daly, seconded by Supervisor Leno, moved ADOPTION of the commendatory finding. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

*[Brown Act Finding]*
*Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.*

**Supervisor Daly, seconded by Supervisor Leno, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

### Imperative Resolution

**020912** **[Proclamation]**
**Supervisor Hall**

Resolution proclaiming June 1, 2002 Sister Paulina Simms, RSM Day in San Francisco.

**Resolution No.** 371-02

**ADOPTED by the following vote:**

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

# OFF-AGENDA LEGISLATION

## Introduced by Supervisors or Mayor

## Ordinances

**020905** **[Approval of Contract Assignment and Release of Reserved Funds]**
**Supervisor Peskin**

Ordinance approving the assignment of existing contract for program management and construction management services in support of the San Francisco Public Utilities Commission's water power and sewer Capital Improvement Program to a joint venture consisting of Jacobs Civil, Inc. and Primus Industries, Inc., and releasing reserved funds.

(Fiscal impact.)
5/28/02, RECEIVED AND ASSIGNED to Finance Committee.

**020913** **[Appointment Process for the Child Care Planning and Advisory Council]**
**Supervisor Maxwell**

Ordinance amending Article XX of Chapter 5 of Part One of the San Francisco Municipal Code (Administrative Code) to amend Section 5.200 to provide that half the membership is appointed by the Board of Supervisors and half the membership is appointed by the Board of Education, or County Superintendent of Schools, if the Board of Education delegates the appointment power to her or him and to establish the Council in the Department of Children, Youth and Their Families; and adding section _____ to Article XII of Chapter 10 of Part One of the San Francisco Municipal Code (Administrative Code) establishing the Child Care Planning and Advisory Council Account.

5/28/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/27/2002.

**020939** **[Appropriating Funding for Environmental Review]**
**Supervisor Daly**

Ordinance appropriating $305,000 from the General Fund Reserve to the Board of Supervisors for an environmental review of Board of Supervisors legislation, File No. 002108, ordinance amending Part II of the San Francisco Municipal Code (Planning Code) by amending Section 124 to eliminate floor area ratio limits for residential construction in certain C-3 Zoning Districts, amending Sections 215 and 216 to increase the maximum density ratio for dwelling units and group housing allowed in certain C and M Districts, and making a determination of consistency with the priority policies of Planning Code Section 101.1(B) for fiscal year 2001-02.

(Fiscal impact.)
5/28/02, RECEIVED AND ASSIGNED to Finance Committee.

**012186** **[Regulation of Diesel Backup Generators]**
**Supervisor Maxwell**

Ordinance amending the San Francisco Health Code by adding a new Article 30 to: (1) establish a registration program within the Department of Public Health for diesel backup generators used by facilities in the City and County of San Francisco; (2) require new backup diesel generators to have air emission control technologies; (3) limit the operation of diesel backup generators during non-emergency situations; (4) establish a recordkeeping requirement for the operation of diesel backup generators; and (5) provide for an enforcement mechanism for violations of the requirements of this Ordinance.
12/10/01, ASSIGNED UNDER 30 DAY RULE to Public Health and Environment Committee, expires on 1/9/2002.
1/28/02, TRANSFERRED to Health and Human Services Committee. New Committee Structure 2/1/02.
2/4/02, ASSIGNED to Health and Human Services Committee.
2/4/02, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.
4/15/02, RE-REFERRED to Health and Human Services Committee.
5/28/02, SUBSTITUTED. Supervisor Maxell submitted a substitute ordinance bearing same title.
5/28/02, ASSIGNED to Health and Human Services Committee.

## Resolutions

**020914** **[Appointing Kimberly Brandon to Port Commission]**
**Mayor**

Resolution confirming the reappointment of Ms. Kimberly Brandon to the San Francisco Port Commission, term ending May 1, 2005. (Mayor)
5/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020915** **[Continuum of Care Plan - Homeless Board Membership]**
**Supervisor Hall**

Resolution amending the Continuum of Care Plan to reduce the size of the Local Homeless Coordinating Board to sixteen members; eight of whom are appointed by the Mayor and eight of whom are appointed by the Board of Supervisors.
5/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020916** **[Amending and Extending Interim Controls Regulating Certain Uses in the Mission District]**
**Supervisor Ammiano**

Resolution amending interim controls to require conditional use and expanded public notice for certain uses in the Mission District in the Area Bounded by Guerrero Street, Cesar Chavez Street, Potrero Avenue and the Central Freeway, in the Valencia Street Neighborhood Commercial District, in the 24th Street - Mission Neighborhood Commercial District, on Mission Street From 15th Street to Cesar Chavez Street Zoned NC-3, and in the NEMIZ; extending the interim controls to July 7, 2003 or until permanent controls are adopted.

(Certificate of Exemption/Exclusion from Environmental Review dated 6/25/02)
5/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee. 6/10/02 - Transmitted to Director of Planning for environmental review.

**020917** **[Revenue Bonds - Presidio Hill School]**
**Supervisor Newsom**

Resolution authorizing the issuance and sale of revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $7,000,000 for the Presidio Hill School.
5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020918** **[Breast Cancer Fund Day]**
**Supervisors Leno, Newsom, Maxwell, Daly, Sandoval**

Resolution proclaiming June 6th, 2002 "Breast Cancer Fund Day" in the City and County of San Francisco on the 10th anniversary of the organization.
5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020919** **[Transgender Civil Rights Implementation Task Force]**
**Supervisors Leno, Daly**

Resolution extending the Transgender Civil Rights Implementation Task Force timeline to September 5th, 2002.
5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020920** **[Haight-Ashbury Street Fair]**
**Supervisors Gonzalez, Daly, Leno, Sandoval, Newsom**

Resolution recognizing the 25th annual Haight-Ashbury Street Fair.
5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020921 **[Reaffirming SF Status as a City and County of Refuge and an "I.N.S. Raid-Free Zone]**
**Supervisors Daly, Gonzalez, Sandoval**

Resolution promoting San Francisco's commitment to ensuring that all its residents may live in safety and free from discrimination in the midst of the post-September 11 "war against terrorism," by reaffirming San Francisco's status as a City and County of Refuge, and an "I.N.S. Raid-Free Zone."
5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020922 **[Phoenix High School Relocation]**
**Supervisors Ammiano, Daly, Leno, Sandoval**

Resolution urging the San Francisco Board of Education to fulfill their commitment to "Excellence For All" and take action to relocate Phoenix High School to the current School of the Arts campus which is a more education-friendly and safe environment.
5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020923 **[Revenue Bonds - San Francisco Art Institute]**
**Supervisors Peskin, Daly, Newsom**

Resolution authorizing the issuance and sale of revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $10,000,000 for the San Francisco Art Institute.
5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020924 **[Commending the California Abortion & Reproductive Rights Action League]**
**Supervisors Maxwell, Daly, Leno, Newsom, Peskin**

Resolution commending the California Abortion & Reproductive Rights Action League for initiating the first ever Women of Color Reproductive Health Summit.
5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

020925 **[Commendation for SOYAC Youth Collective]**
**Supervisor Daly**

Resolution commending SOYAC Youth Collective for their youth led needs assessment for the South of Market.
5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020926** **[Commending the Office of the City Attorney]**
**Supervisors Ammiano, Peskin**

Resolution commending the Office of the City Attorney for its continued success in defending the Minority/Women/Local Business Utilization Ordinance - IV against every legal challenge brought against it.
5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020927** **[Commending September Jarrett]**
**Supervisors Ammiano, Daly, Sandoval**

Resolution commending Ms. September Jarrett upon her departure from dedicated service with the Low Income Housing Fund; and declaring May 28, 2002 as "September Jarrett Day" in the City and County of San Francisco.
5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## Requests for Hearing

**020928** **[Budget Analyst's Performance Audit on City Planning]**
**Supervisor McGoldrick**

Hearing to receive and discuss the results of Budget Analyst's performance audit of the San Francisco Department of City Planning.
5/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020929** **[Existing Sidewalk Cleaning Projects]**
**Supervisor Gonzalez**

Hearing on the existing sidewalk cleaning projects in San Francisco such as the Tenderloin Sidewalk Improvement Program in District 6 and the Green Patrol project in District 3, and the feasibility of extending such programs to other areas of San Francisco.
5/28/02, RECEIVED AND ASSIGNED to Public Works and Public Protection Committee.

**020930** **[Civil Grand Jury Report - Homelessness in San Francisco]**
**Supervisor Daly**

Presentation from the Civil Grand Jury on its May 2002 Homeless report.
5/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020931** **[Hastings College of Law Proposed Garage]**
**Supervisor Daly**

Hearing on the status of the proposed garage to be built by Hastings College of the Law.
5/28/02, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

020896 **[2001-2002 Civil Grand Jury Report]**
**Supervisor Hall**

Hearing on the recommendations of the 2001-2002 San Francisco Civil Grand Jury, regarding San Francisco General Hospital.

(Pursuant to California Penal Code Section 933.)
4/3/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

020952 **[2001-2002 San Francisco Civil Grand Jury Report]**
**Supervisor Hall**

Hearing on the recommendations of the 2001-2002 San Francisco Civil Grand Jury, regarding the April 2002 billboard report.
5/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020953 **[2001-2002 San Francisco Civil Grand Jury Report]**
**Supervisor Hall**

Hearing on the recommendations of the 2001-2002 San Francisco Civil Grand Jury, regarding the April 2002 Professional Services Contracts report.
5/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

020940 **[Hearing - Unrepresented Employees]**
**Supervisor Ammiano**

Hearing on the proposed ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in jobcodes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2002.
5/28/02, ASSIGNED to Board of Supervisors. Pursuant to File 020535, Board to sit as a Committee of the Whole on June 3, 2002, at 3:00 p.m.

## Motions

020911 **[Agreement with AtPac to provide a retally of the ballots cast in the 11/7/00 Consolidated Municipal Election and recanvass ballots cast in a random sample of precincts in the 11/6/01 Consolidated Municipal Election]**
Motion requesting that the Clerk of the Board, in consultation with the Office of the Secretary of State, and the Elections Commission, enter into an agreement with AtPac to provide a retally of the ballots cast in the November 7, 2000 Consolidated Municipal Election and recanvass ballots cast in a random sample of precincts in the November 6, 2001 Consolidated Municipal Election. (Clerk of the Board)

(Fiscal impact.)
5/28/02, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**020932** **[Establish a Select Committee on the S.F. Police Department]**
**Supervisor Ammiano**

Motion to establish a Select Committee on the San Francisco Police Department pursuant to Board of Supervisors Rules of Order, Rule 5.27.
5/28/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

**020933** **[Legislative Analyst Request - Process for Conversion of Rental Units to Ownership Units]**
**Supervisor McGoldrick**

Motion asking the Legislative Analyst to analyze how the process for conversion of rental units to ownership units will take place under the process that would be created under this legislation, and compare this to the process that currently is in place under Article 9 of the Subdivision code. In particular, analyze how the process for conversion of rental units to ownership units will take place under this initiative ordinance, and compare this to the process that currently is in place for conversions under Article 9 of the Subdivision code. Where the HOPE conversion process differs with the provisions of the Article 9 conversion process, please identify the function and purpose of the Article 9 section in question. In addition, please assess how this legislation changes timelines for processing applications for conversions, what affect such changes in timelines may have on the ability of City agencies in fulfilling their responsibilities under the initiative ordinance. Also, please analyze how efficiently and effectively this initiative ordinance would be in allocating among City departments the administration of the responsibilities and duties that it imposes. Please also answer the following questions: 1) Based on an analysis of other jurisdictions that have enacted similar measures, are the more likely beneficiaries of such a policy existing tenants living in the units to be subdivided, or prospective buyers who will move into the units after offering incentives for existing tenants to move out of their apartments; 2) How will the measure impact the availability in San Francisco of what many business leaders refer to as "workforce housing," or housing affordable to the middle class; 3) How might such a measure be phased in as a trial program over time, so that information on its impacts on the housing market may be assessed before it is expanded, and what types of information and processes to collection information would be necessary to assess such impacts; 4) Does this measure contain effective measures to discourage speculation, and what would such measures need to contain to effectively discourage speculation; 5) What would be the effect of allowing conversions on all buildings, regardless of size, and what are the demographic characteristics of tenant populations in different size buildings; 6) What effect would the measure have on the availability of affordable housing, especially affordable rental housing, in the City, and would it be possible to impose an affordable housing conversion fee that would adequately mitigate any potential negative impacts on this supply; 7) How does the measure deal with the question of whether tenants with lifetime leases continue to have access to and enjoyment of common areas in buildings that have been subdivided through the HOPE conversion process; 8) Does the measure contain any requirement for tenant participation beyond the simple signing of an intent to purchase, and how would the addition of provisions requiring further participation by tenants to make the subdivision effective (such as signed purchase agreements for units) affect the ability of the measure to realize its purported goals; 9) What are the potential financial benefits of this measure for owners of existing rental buildings; What would be the estimated affect of this measure on the number of rent controlled units in the City; 10) What is the possibility that any provisions of this measure will be struck down in court, and if certain provisions are struck down what would be the overall effect on the remainder of the measure.
5/28/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration June 3, 2002.

020934 [Legislative Analyst Request - HOPE initiative measure]
Supervisor McGoldrick

Motion asking the Legislative Analyst to analyze the HOPE initiative measure that is on file with the Department of Elections and for which signatures are currently being collected in order to qualify it for the November 2002 ballot. Because this initiative is in many respects the same as the HOPE ordinance which your office will separately analyze, please consolidate this analysis with the analysis of the HOPE ordinance, with special attention to ways in which the initiative measure differs from the ordinance. In particular, analyze how the process for conversion of rental units to ownership units will take place under this initiative ordinance, and compare this to the process that currently is in place for conversions under Article 9 of the Subdivision code. Where the HOPE conversion process differs with the provisions of the Article 9 conversion process, please identify the function and purpose of the Article 9 section in question. In addition, please assess how this legislation changes timelines for processing applications for conversions, what affect such changes in timelines may have on the ability of City agencies in fulfilling their responsibilities under the initiative ordinance. Also, please analyze how efficiently and effectively this initiative ordinance would be in allocating among City departments the administration of the responsibilities and duties that it imposes. Please also answer the following questions:
1) based on an analysis of other jurisdiction that have enacted similar measures, are the likely beneficiaries of such a policy existing tenants living in the units to be subdivided, or rather prospective buyers who will move into the units after offering incentives for existing tenants to move out of their apartments; 2) How will the measure impact the availability in San Francisco of what many business leaders refer to as "workforce housing," or housing affordable to the middle class; 3) How might such a measure be phased in as a trial program over time, so that information on its impacts on the housing market may be assessed before it is expanded, and what types of information and processes to collection information would be necessary to assess such impacts; 4) Does this measure contain effective measures to discourage speculation, and what would such measures need to contain to effectively discourage speculation; 5) What would be the effect of allowing conversions on all buildings, regardless of size, and what are the demographic characteristics of tenant populations in different size buildings; 6) What effect would the measure have on the availability of affordable housing, especially affordable rental housing, in the City, and would it be possible to impose an affordable housing conversion fee that would adequately mitigate any potential negative impacts on this supply; 7) How does the measure deal with the question of whether tenants with lifetime leases continue to have access to and enjoyment of common areas in buildings that have been subdivided through the HOPE conversion process; 8) Does the measure contain any requirement for tenant participation beyond the simple signing of an intent to purchase, and how would the addition of provisions requiring further participation by tenants to make the subdivision effective (such as signed purchase agreements for units) affect the ability of the measure to realize its purported goals; 9) What are the potential financial benefits of this measure for owners of existing rental buildings; What would be the estimated affect of this measure on the number of rent controlled units in the City; 10) What is the possibility that any provisions of this measure will be struck down in court, and if certain provisions are struck down what would be the overall effect on the remainder of the measure.

5/28/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration June 3, 2002.

020935 **[Legislative Analyst Request]**
**Supervisor Gonzalez**

Motion asking the Legislative Analyst to report on methodology which could be used to determine the number of motorcycles in San Francisco, both those registered in San Francisco and those registered elsewhere, and how other municipalities arrive at these numbers.

5/28/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration June 3, 2002.

**020936 [Legislative Analyst Request - Experience of Santa Monica with TORCA Legislation]**
**Supervisor McGoldrick**

Motion asking the Legislative Analyst to analyze how the process for conversion of rental units to ownership units will take place under the process that would be created under this legislation, and compare this to the process that currently is in place under Article 9 of the Subdivision code. In particular, analyze how the process for conversion of rental units to ownership units will take place under this initiative ordinance, and compare this to the process that currently is in place for conversions under Article 9 of the Subdivision code. Where the HOPE conversion process differs with the provisions of the Article 9 conversion process, please identify the function and purpose of the Article 9 section in question. In addition, please assess how this legislation changes timelines for processing applications for conversions, what affect such changes in timelines may have on the ability of City agencies in fulfilling their responsibilities under the initiative ordinance. Also, please analyze how efficiently and effectively this initiative ordinance would be in allocating among City departments the administration of the responsibilities and duties that it imposes. Please also answer the following questions: 1) Based on an analysis of other jurisdiction that have enacted similar measures, are the more likely beneficiaries of such a policy existing tenants living in the units to be subdivided, or prospective buyers who will move into the units after offering incentives for existing tenants to move out of their apartments; 2) How will the measure impact the availability in San Francisco of what many business leaders refer to as "workforce housing," or housing affordable to the middle class; 3) How might such a measure be phased in as a trial program over time, so that information on its impacts on the housing market may be assessed before it is expanded, and what types of information and processes to collection information would be necessary to assess such impacts; 4) Does this measure contain effective measures to discourage speculation, and what would such measures need to contain to effectively discourage speculation; 5) What would be the effect of allowing conversions on all buildings, regardless of size, and what are the demographic characteristics of tenant populations in different size buildings; 6) What effect would the measure have on the availability of affordable housing, especially affordable rental housing, in the City, and would it be possible to impose an affordable housing conversion fee that would adequately mitigate any potential negative impacts on this supply; 7) How does the measure deal with the question of whether tenants with lifetime leases continue to have access to and enjoyment of common areas in buildings that have been subdivided through the HOPE conversion process; 8) Does the measure contain any requirement for tenant participation beyond the simple signing of an intent to purchase, and how would the addition of provisions requiring further participation by tenants to make the subdivision effective (such as signed purchase agreements for units) affect the ability of the measure to realize its purported goals; 9) What are the potential financial benefits of this measure for owners of existing rental buildings; What would be the estimated affect of this measure on the number of rent controlled units in the City; 10) What is the possibility that any provisions of this measure will be struck down in court, and if certain provisions are struck down what would be the overall effect on the remainder of the measure.

Please analyze the experience of the City of Santa Monica with legislation referred to as TORCA, the Tenants' Ownership Rights Charter Amendment, which was in effect in that City from 1984 to 1996. In particular, please analyze the degree to which this legislation increased the number of tenants purchasing the rental units in which they resided prior to conversions of their units. In addition, to the extent possible, also analyze the effect of this legislation on the number and types of conversions of units from rental to ownership while the legislation was in effect and compare this to the same data before and after the legislation was in effect. Also analyze the effect of this legislation on the number of rental units protected by Santa Monica's version of rent control. Please include any data, analysis, or reports prepared by the City of Santa Monica and its departments related to their experience with this law.

5/28/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration June 3, 2002.

020937 **[Hope Initiative/Process for Conversion of Rental Units to Ownership]**
Supervisor McGoldrick

Motion asking the Legislative Analyst to analyze the HOPE initiative measure that is on file with the Department of Elections and for which signatures are currently being collected in order to qualify it for the November 2002 ballot. In particular, analyze how the process for conversion of rental units to ownership units will take place under this initiative ordinance, and compare this to the process that currently is in place for conversions under Article 9 conversion process. Please identify the function and purpose of the Article 9 section in question. In addition, please assess how this legislation changes timelines for processing applications for conversions, what affect such changes in timelines may have on the ability of City agencies in fulfilling their responsibilities under the initiative ordinance. Also please analyze how efficiently and effectively this initiative ordinance would be in the administration of responsibilities and duties that it imposes on City departments. Finally, please compare the provisions of the HOPE initiative with those of the related but different HOPE ordinance, File #020489, sponsored by Supervisor Hall at the Board of Supervisors.

5/28/02, ASSIGNED to Board of Supervisors. Scheduled for Board consideration June 3, 2002.

## Charter Amendment

020938 **[Charter Amendment - Retirement Benefits for Miscellaneous Safety Employees]**
**Supervisors Ammiano, Gonzalez**

Charter amendment (First Draft) to amend Appendix A8.506-2 thereto, relating to retirement benefits for miscellaneous safety employees.

(Fiscal impact.)

5/28/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/27/2002.

## Introduced by the President at the Request of Departments

# PROPOSED ORDINANCES

020834 **[License Agreement with American Society of Composers, Authors and Publishers]**
**Supervisor Daly**

Ordinance authorizing the Director of Administrative Services to enter into the Local Government Licensing Agreement negotiated between the International Municipal Lawyers' Association and the American Society of Composers, Authors and Publishers to license music uses by the City under an license subject to automatic annual renewal for an annual Base License Fee plus 1% of revenue from events in which gross revenue exceeds $25,000. (Administrative Services Department)

5/20/02, RECEIVED AND ASSIGNED to Finance Committee.

# PROPOSED RESOLUTIONS

**020773 [Interdepartmental Jurisdictional Transfer of Property (Phelps Street Land Transfer)]**
**Mayor**

Resolution transferring jurisdiction from the Public Utilities Commission to the Municipal Transportation Agency the real property identified as a portion of Assessor's Parcel No. 5262/9 for a substation for the San Francisco Municipal Transportation Agency's Third Street Light Rail Project; adopting findings pursuant to the California Environmental Quality Act; and adopting Findings that the transfer of jurisdiction is consistent with the City's General Plan and the Eight Priority Policies of the Planning Code Section 101.1. (Mayor)
5/15/02, RECEIVED AND ASSIGNED to Finance Committee.

**020839 [Accept - Expend Federal Funding - Stewart B. McKinney Supportive Housing 2001 Grant]**
**Supervisors Daly, Newsom**

Resolution authorizing the Department of Human Services to accept and expend a grant in the amount of $8,483,623 from the U.S. Department of Housing and Urban Development for Stewart B. McKinney Supportive Housing Program. (Human Services Department)

(Public Benefit Recipient)
5/20/02, RECEIVED AND ASSIGNED to Health and Human Services Committee.

**020892 [Mortgage Revenue Bonds]**
**Mayor**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee to permit the issuance of qualified mortgage bonds in an amount not to exceed $19,000,000; authorizing the Mayor's Office of Housing to direct the Controller's Office to hold in trust an amount not to exceed $95,000; authorizing the Director to certify that the City has on deposit the required amount; authorizing the Mayor's Office of Housing to pay an amount equal to the deposit to the State of California if the City fails to issue the qualified mortgage bonds; and authorizing and directing the execution of any documents necessary to implement this Resolution and of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the application. (Mayor)
5/21/02, RECEIVED AND ASSIGNED to Finance Committee.

## Requests Granted

*From: Supervisor Sandoval*
*To: City Attorney*
*Requesting/Inquiring: To prepare a legal memorandum explaining the process by which the Board of Supervisors could create a dedicated source of funds to address street improvement issues using business tax or business license revenue.*

*From: Supervisor Maxwell*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation to create a Board of Supervisors Task Force on Biotechnology.*

*From: Supervisor Gonzalez*
*To: Director, Department of Parking and Traffic*
*Requesting/Inquiring: To provide information on the number of motorcycle parking spaces in San Francisco, both metered and unmetered, and motorcycle parking in parking lots.*

*From: Supervisor Gonzalez*
*To: Director, Board of Appeals*
*Requesting/Inquiring: Requesting a list of dwelling unit merger appeals, which have occurred in the last five years, including pending dwelling unit merger appeals, the number of units merged and what action the Board of Appeals took.*

*From: Supervisor Gonzalez*
*To: Director, Planning Department*
*Requesting/Inquiring: Requesting a list of the addresses of each dwelling unit merger request which has occurred in the last five years including pending dwelling unit merger requests, the number of units merged, what action the Planning Commission took on each of these dwelling unit merger requests.*

*From: Supervisor Daly*
*To: Director, Planning Department*
*Requesting/Inquiring: To investigate and report on the bulldozing of the sidewalk and trees at the construction site located at 50 Rausch Street, and whether the development plan contemplates replacement of said trees and, if so when? If replacement of the trees on Raush is not included in the plan, what mitigation was required, if any? And why were residents not notified of the bulldozing prior to the decimation of the existing streetscape?*

*From: Supervisor Peskin*
*To: City Attorney*
*Requesting/Inquiring: To investigate alleged misconduct by a San Francisco Planning Commissioner regarding the recent approval of a Conditional Use authorization in which the Planning Commissioner allegedly has a legally recognized conflict of interest. Furthermore, if misconduct did in fact occur, Supervisor Peskin requests the City Attorney to determine whether any items recently addressed by the Planning Commission must be revisited as a result of this misconduct.*

*From: Supervisor Peskin*
*To: City Attorney*
*Requesting/Inquiring: To draft legislation that would mandate that Candidate Controlled Initiative Committees abide by the same campaign finance rules that currently apply to Candidate Controlled Committees, including those governing individual contribution limits.*

*From: Supervisor Peskin*
*To: City Attorney*
*Requesting/Inquiring: To draft an ordinance requiring San Francisco businesses to obtain consumers' written*

*consent before disclosing confidential customer information to a third party. This legislation will be based on Senator Jackie Speier's Financial Information Privacy Act of 2002 (Senate Bill 773), and designed to be enacted on a local level.*

*From: Supervisor Peskin*
*To: City Attorney*
*Requesting/Inquiring: To draft interim-zoning controls governing the conversion or demolition of single screen movie theaters for a period of six months, while the City completes a comprehensive study on the economic impact of the loss of such theaters on its neighborhood commercial corridors. These interim-zoning controls would require certain findings be made in order for a single screen theater to be converted or demolished.*

## In Memoriams

*Motion that the Board adjourn its meeting this date out of respect to the memory of the following deceased:*

*Ruby (Supervisor Yee)*
*Dr. Lee Stephen Dolson, Jr. (Supervisors Ammiano, Yee, Hall)*
*Mary Bridget Kearney (Supervisor Yee)*

# ADJOURNMENT

*There being no further business, the Board at the hour of 5:05 p.m. adjourned.*

*Gloria L. Young, Clerk*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on July 29, 2002.*

*I, Gloria L. Young, Clerk of the Board of Supervisors of the City and County of San Francisco, hereby certify that the foregoing is a true and correct copy of the Minutes of said Board on the date stated and was approved as recited.*

Gloria L. Young
Clerk of the Board

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